

Hidden Creek HOA Board Meeting Minutes

Thursday, October 15, 2020 3:00 MT

[GoTo Meeting](#)

I. Call to Order Guy Rawson calls the meeting to order at 3:04 PM

II. Establishment of Quorum (25 total)

Board Members:

Carri Moentmann

Dan Mitrovich

Michael Bradley

Leanne Miller

Guy Rawson (left call at 4:12pm)

ASHM:

Carissa Nosack

Garrick Malin

Mike Williams

Nicole Chastain

Homeowners:

Jim Meland 30A

Lisa Graveline 38A

Devon & Melissa Patterson 1B

Lili Holland 25D

Paul Aaron Jelinek 36C

Shannon LeDuff 36B

Gretchen Lescher 31A

Dan Johnson 36A

Chris Stoll 32A

Kevin Moentmann 30B

Steven McBride 28D

Eric Jellum 8B

Janet Whittaker 32A

III. September 2020 Meeting Minutes

Leanne states she had some issues with the way the meeting minutes were written we received an attorney opinion regarding discussion of legal opinion with the general membership and there are a lot of references to that in those meeting minutes and I think we should take a better look at those before we approve or adopt them.

Carri states that the minutes are just a record of what was disclosed in the meeting. A permanent record has already been established when a discussion occurs in a public meeting and the minutes should not be changed just because someone regrets how or what they say.

Leanne respectfully requests that this be discussed in a closed session.

Leanne motions to discuss in a closed session, Dan 2nd. Carri wants to be clear that the minutes prepared for approval reflect what was recorded and restates the Board cannot decide to not approve/post minutes based on the fact that something was said that someone wishes they hadn't said. Dan says that we have a heavy agenda today, and he has no issue with tabling it and moving on. Carri requests that if we table approving the minutes, the Board agrees to an email vote after the closed session so the minutes can be posted. The Board needs to have the communication available to the community; we cannot wait another meeting to pass this on for approval. Dan and Michael agree with Carri. Michael further states that given the J2 dialogue, we should move quickly. Carri modifies the motion so that regardless of whether the minutes get

modified or not, she requests the Board do that via email so that we are not behind on the minutes.

All in favor, Guy (Y), Dan (Y), Michael (Y), motion carries.

IV. Financials (August) – September financials are not completed.

August 2020 Revenues:

The total revenue budgeted for this period is \$68,369, while actual revenue earned is \$68,519. This \$151 variance in revenue is primarily attributable to dog registration income.

August 2020 Expenses:

Period actual expenses totaled \$70,985, which was more than the budgeted period expenses of \$64,461. This was 10.12% more than budget or an unfavorable variance of approximately \$6,524. Significant variances of specific line item expenses include:

- Landscape Contractor: The \$5,362 variance is related to sprinkler line repairs, sprinkler head replacements, and tree spraying.
- Water: The \$2,249 variance is related to taking on a new water meter and its associated charges.

After review of this report, there are two 91 plus day balances listed as of August 31, 2020 totaling \$9,421. These accounts are in collections. An email has been sent to the attorney for an update on the collections and the timing.

Carissa reports the attorney had not responded. The Board will be cc'd on the next email to the attorney. Garrick reports that any fees the owner is paying are being applied first to the fines, late fees, and special assessment and then to dues. *For privacy reasons the Board will discuss updates with management during an executive session.

Unanticipated capital expenses:

- During the period, there were no unplanned capital expenditures.
- Planned capital expenses: During the period, \$1,233 was spent to pay the balance due for the heat cable project.
- Summary: Year-to-date planned and unplanned capital expenses total at \$54,623. The current reserve balance is at \$386,537.

Leanne inquires about a \$99 charge for the August newsletter edit. Isn't the newsletter included as part of the PMA. Carissa reported that management caused by Board delay spent additional time. Michael brought up that we missed a quarterly newsletter and asked if that could be taken into consideration. Garrick will research and look into the possibility of reversing the charge. Violation Reports are now included within the Financial Report. The Report on Fines that have been levied (transaction detail by account) is also now included in the financial report.

*These reports will only be discussed in executive session because of the personal information included. An executive session will be scheduled.

V. Management/Maintenance Report

Remodel/Modification Report

- | | |
|---------------------------------|---------------------------|
| • 1B Deck | Pending |
| • 6A Deck expansion | Pending |
| • 8B Interior work | Pending ext. window trim |
| • 8B Exterior patio | In progress |
| • 11C Interior work | Pending |
| • 13B2 Interior work | In progress |
| • 16B1 Bathroom dryer vent | Completed/Approved |
| • 24A Fireplace conversion | Pending paint on gas line |
| • 25D Door | In progress |
| • 25D Privacy fence | In progress |
| • 26B Fireplace conversion | Completed/Approved |
| • 27C Interior work | Postponed |
| • 28D Interior work | In progress |
| • 29A Interior work | Completed/Approved |
| • 29B Window replacement | In progress |
| • 34B Interior work | In progress |
| • 34B Mini split system | Completed/Approved |
| • 35B Concrete expansion | In progress |
| • 35B Interior work | In progress |
| • 38A Interior/exterior remodel | In progress |

Guy Rawson recommends that the Board be lenient in granting extensions because of all of the world events.

Guy motions for added flexibility/extensions for approved construction projects due to Covid and material shortages for up to 12 months, 2nd Dan. All in favor, motion carries.

Completed

- Touch up paint on exterior buildings
- Painting landings and stairs
- J2 roof inspections
- Replaced memorial tree on Aspen Drive
- Algae kill in pond 2x week
- Irrigation improvements and proposal received for new sprinkler heads property wide
- Power outage management
- Closed pool for the season
- Siding repair on 36
- Installed 'standard' light fixture on back door of 30B
- Caulked around front door 25B
- Assisted with PVC laterals installation for future electrical work
- Evacuated Georgetown area after gas main break
- Landscape and building repairs on 25D

- Fallen trees and debris clean up from windstorm
- Covered exposed wiring building 23
- Sprayed and pulled weeds on pathways
- Fixed and painted broken landing to building 13
- Painted doors
- Replaced light bulbs on exterior lights in the lower parking area
- Installed two solar lights on exterior of lower shed
- Secured wind screens from wind storm
- Had pool backflow inspected as requested by MRW (failed)
- Pool backflow repaired and respected (passed and inspection report sent to MRW)
- Aspen Drive and Willow Creek Way milled and paved
- Aspen and WCW driveways crack/slurry sealed

In Progress

- Installation of backflow preventer and Pressure Regulating Valve on domestic water to Clubhouse per MRW requirements
- Developing a paving plan for the Georgetown area for next spring with BOD
- Striping Aspen cul-de-sac, and parking in front of tennis courts
- Remove and replace concrete collar on drain in WCW
- Cleaning out rain gutters and down spouts
- Blowing out irrigation system this week
- Preventive Maintenance on membrane roofs

Michael Bradley asks if J2 had been leveraged for contractor recommendations. The contractor that Mike Williams is getting the bids from works regularly with J2 and comes highly recommended for the repairs.

Leanne asks about the fall treatment of the evergreen trees. Mike will follow up and make sure the contracted treatments were applied. Carri notes the trees were sprayed in August in the Townhome area.

Parking Report

- Booted one car in Ambush and fined tenant
- Towed 2 cars in Aspen cul-de-sac for paving project to areas on property (homeowner fined for both)
- Warnings issued as needed
- Violations/Fines Report – Now included in the Financial Report. For privacy reasons they will be discussed in executive session by the Board with management.
- Mountain Regional Water Project Report - There will be several more water shut-offs during the next few weeks. Notification will be sent to owners with details. Final calculations on asphalt credits still need to be negotiated/confirmed.

Dan asks about some demo work that was done on unit 11A that created a mess with a bunch of sheetrock in the parking lot. The owner should be made aware that his contractor needs to do a better job with cleanup, but nothing that warrants a fine. Mike will follow up with them on the project.

VI. Governance

- **Ratify Email Actions** - none this last month
- **ARC** - Individual remodel applications listed below

1B:

Personal Deck: ARC recommended approval to the Board. Personal deck expansion revision to current approved application. Personal deck will be constructed and engineered (structural engineer plans will be submitted to ASHM) to hold heavy load (eventual hot tub). Plans will show deck will be properly attached and flashed to building.

Interior Remodel: ARC recommended approval to the Board. Interior remodel (revision to transferred approval application from previous owners). Stipulations that rough drawing of plumbing lines/where new toilet and shower will drain to be provided. Certificate of Insurance needs name change to owner's name.

Carissa confirmed the structural engineering plans have been submitted and the certificate of insurance resubmitted.

Michael asks Devon about his experience (as an architect) mentioning that he is concerned that the Board is approving projects that are outside of their expertise and wonders if Devon thinks it is prudent to have J2 come in and provide some guidance to make sure that these projects are not going to have a negative effect on other units in the building. Michael believes it may be prudent to make an inspection a requirement for future projects before HOA approval is given.

Devon agrees that you want to make sure the structural integrity of the building is kept intact and the envelope is kept watertight. It does seem like there should be some due diligence on behalf of the owner to make sure there is not negative impact from a comprehensive remodel project. Condensation issues, as mentioned in previous meetings would be handled on a case-by-case basis as the units and buildings are unique. Devon would caution an overreaction, but it does seem like a process should be put in place.

Motion to approve as stipulated by Guy, 2nd by Michael. All in favor. Motion carries.

4C:

Radon Mitigation System: ARC recommends approval to the Board. The Board did not have any comments or questions.

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

30B:

Patio Extension and Hot Tub: ARC Recommends approval to the Board.

Michael Bradley did a site visit and had no concerns.

Motions to approve by Guy, 2nd by Michael. All in favor. (Carri abstains, as this is her property) Motion carries.

34B:

Privacy Wall:

No Recommendation to the Board for Privacy Wall-ARC suggests no privacy walls be approved until the Board has a set a community standard in place.

Motion by Guy to conditionally allow a temporary privacy wall until an approved standard is in place. Once a standard is in place, the owner will be notified and will have 30 days to comply, depending on season to take down and replace the Privacy wall. Carri requests that the Homeowner also be required to submit some documentation to the HOA on the temporary privacy wall/screen so that it would be documented (similar to the temporary privacy screen granted 25D) and it could be administratively approved. Dan seconds. All in favor. Motion carries.

Two Interior Walls:

ARC recommends approval to the Board.

Addition of two Interior Walls (create master bedroom closet, convert loft to true bedroom with wall and door)

Michael motions to approve subject to a J2 inspection and report to airflow of the unit.

Removal of Exterior Feature and Replace/Add/Expand Windows:

ARC recommends approval with stipulations to the Board.

Remove architectural facade on both sides of long front window on second floor, as well as removing the window. ARC Stipulations: ARC and Mike Williams recommend owners leave the dormer/jetty flush to the roofline. A roofer may need to be consulted. Hardy board will be replaced and painted the Standard paint color of the building.

Replace/Add/Expand front first and second floor windows. ARC Stipulation: Due to the size of the windows, structural engineer plans calling out the size of each header will need to be submitted to ASHM. Outside window framing will be painted the Standard color of building.

Michael motions to approve subject to ARC stipulations and the additional stipulation that a J2 inspection and report about the effects of these changes to the unit and the building. Dan agrees, Leanne agrees, and Guy agrees with Michael. The HOA is going to try to negotiate prices with J2 for owner inspections for best pricing. Carissa will put the owners in contact with J2 to help expedite. Michael makes a motion to approve all of the applications subject to the inspection. All in favor. Motion carries.

Patio Expansion and Hot Tub:

ARC recommends approval with stipulations to the Board. Stipulations are as follows:

- Patio expansion from the first seam line left (if looking at the back of building from yard) of patio door to the end of unit. Note the ARC recommended patio expansion is shorter than the measurements submitted in application.
- Hot Tub recommended to be placed closer to neighbor's hot tub (east side of patio), not the area submitted in application. When the HOA has a privacy wall Standard in place, owners may submit application for privacy wall/screen between hot tubs.
- All affected water lines/sprinkler heads shall be moved at owner's expense, all the while consulting with Mike Williams, ASHM Maintenance Manager
- Certificate of Insurance needs name change to owner's name

Homeowner (Shannon LeDuff) explains the application request for the larger patio extension and the hot tub location submitted.

Leanne motions to approve the application as originally submitted by homeowner pending approval from the County, subject to confirmation that the patio is within the HOA property lines and follows County setback regulations, 2nd by Carri. Dan (Y), Michael (Y).

34C:

Patio Extension and Hot Tub:

ARC reviewed owner's application, which was not the most current application. After speaking with the homeowner (Paul Aaron Jelinek) during the ARC meeting, it was determined that the homeowner would submit (in one file) an updated application, which will show the current site he would like the hot tub. Since the ARC could not make a recommendation (or no recommendation) due to the mix up, it was assumed the Board would review the current, updated site (video and photos were taken of this new/updated site) for the hot tub and approve or not approve at the September Meeting.

An updated application was submitted in board packets for review. The application was discussed with the homeowner (Paul Aaron Jelinek) during the meeting. The homeowner is going to submit a new complete packet/one pdf submission (including electrical and conduit lines and photos that include all of the various vantage points). Michael addresses homeowner's questions about other hot tubs in the community and the need to have a decision in order to meet seasonal constraints with the concrete pour. There is a lengthy discussion related how ARC was unable to make a recommendation because the application ARC was reviewing was not the version the homeowner landed on. This was discovered during the ARC meeting when the homeowner was called. Two ARC members agreed to meet the homeowner on property to review the new location (side of building) in the application that is before the Board. The two ARC members agreed and communicated that if the Board was going to entertain a location for a hot tub for this unit that the side of the building was the only viable location. As ARC does not meet again for a month the homeowner's application was put before the Board without an ARC recommendation. Michael and Leanne voiced concerns about not following the proper procedure of an ARC review. Michael sympathized with the timing issues at hand and offered to

review “off cycle” the application with the addition of requested information. Dan stated he thought this was a good compromise given the situation. After more open discussion between the Board and homeowner, Carri states as an ARC member she and others have spent a significant amount of time spent reviewing various iterations of this homeowner’s hot tub application and asks the Board to at minimum let the homeowner know if the Board is inclined to entertain the idea of a spa on the side of the building as currently requested. If not, then the homeowner deserves to be told that today. The Board committed to give the homeowner a response by Tuesday if the homeowner complied with requested submission.

Via email vote 10/19/2020: Denied application for a 8x8 concrete slab for a hot tub located on the side of the building subject to the following stipulations:

- The owner adding privacy screens towards the cul-de-sac and between the spa and building 35 when the HOA has adopted a standard and/or if the Aspen tree is affected by the work and dies as a result replacement tree of 3-4” caliper tree will be required to be purchased by the owner and given the HOA to determine the location.
- The homeowner will also be responsible for cutting down and grinding the stump if the Aspen tree dies.
- Painting the conduit to match the building.
- Contractor addressing erosion concerns for prevention of any settlement of the patio (Rebar tying into the foundation).

Vote results: Carri (y), Guy (y), Michael (n), Dan (n), Leanne (n).

The Board offered an alternative location in the back of the building (previously submitted by homeowner and discussed by ARC/homeowner and determined to not be viable).

Via email vote 10/22/2020: Conditional approval of hot tub & pad in back of Condo, not side yard. Approval Conditions:

- Summit County approval of contractors permit and plans
- Homeowner to obtain Summit County Recommendation, waiver or approval of plans with consideration of a retaining wall for better reinforcement of new concrete pad given noted erosion.
- Homeowner can extend concrete the same distance from back of Condo up to but not behind 34C addition for hot tub pad
- Homeowners assumes responsibility to verify new concrete remains within Hidden Creek Property Lines to proceed (as offered LeDuff 34B)
- New drawings for hot tub pad and placement in back of home is represented to Board once property lines are understood by homeowner.

Vote results: Michael (y), Leanne (y), Dan (y), Carri (n), and Guy (never replied to second motion).

- **Building Envelope Report**

The Board received the completed J2 Findings Report on October 6th.

Del is working on a new proposal for additional inspections that will be emailed to the Board as soon as possible that includes a timeline of when the work may be able to take place.

Carissa is creating a list extrapolated from the report to establish the severity level of items listed and then the Board can establish a plan for next best steps. Once the priority items disclosed in the J2 report are addressed, a second priority list of the buildings throughout the community should be created. The additional inspections by J2 will provide information to start tackling the issues building by building. J2 will be able to provide a general path for the various building designs; every building has been altered further from the original as built design of the development project.

Carri points out again that if the Board is not approving the September minutes, she is concerned that the J2 presentation and Q&A that took place during the September Board Meeting is not being made public to the community. Meeting minutes are one of the ways to communicate and educate the community. Michael concurred and voiced continued concern that with so much going on the minutes need to be posted as quickly as possible. An executive meeting will be set up for the following Monday at 4pm to discuss minutes and violations.

Carri asks if there might be legal concerns if minutes are not approved and prior ARC application approvals have occurred. Carissa concurs, but states the only ARC application/approval is currently on a construction hold by the homeowner.

VII. Owner Comments

Lili Holland has questions about how previous homeowner additions are addressed by the HOA. Lili states she was told that because her flat roof was part of an addition it was a homeowner responsibility. Lili thought this was part of a legal opinion from earlier this summer and asks if maybe this would help her understand. She requests her question be placed in the minutes because she does not understand how roofs are an HOA responsibility and they purchase their unit three years ago and have never made any additions or changes to the roof.

Leanne requests that Lili put her specific questions in writing so that they can be accurately addressed because there are some flat roofs that are covered and those over additions are not. Lili said she had made repair requests on Buildium and she doesn't know how else to ask the question.

Carissa comments that the 1994 Amendment will provide her the necessary information clarifying how/why the additions on her home are addressed as far as maintenance. When a homeowner adds on or makes changes then the homeowner is responsible for all maintenance related to those modifications. Lili says again that she has not made any changes. Carissa explains when the previous owner made changes the unit is altered from the original plat and any

owner going forward assumes that responsibility. There is an acknowledgment that a homeowner as part of their due diligence understands and agrees to the governing documents of the HOA when purchasing their unit.

The apparent concern is that previous owners may not make homeowners purchasing in the community aware of changes and additions. The new owner would have to compare the original plat against the unit to be able to determine.

Mike Williams confirms upon his inspection the issue on the Holland's unit is a soffit and fascia area on the addition to 25D.

VIII. Hidden Creek Meetings Discussion related to the necessity of holding the November monthly board meeting with the calendared Town Hall Meeting and the Annual Meeting. It was determined not to meet on November 19th.

- ~~November 19, 2020 3:00pm, MST.~~ This meeting was removed from the schedule.
- Town Hall Meeting: November 17th, 6:30-7:30pm.
- Annual Meeting November 30th, 2020 6:00pm, MST
- Regular Meeting Schedule: 3rd Thurs of month at 3:00pm, MST

IX. Adjourn

Dan M motioned to adjourn the meeting at 5:40pm; Michael Bradley 2nd. All in favor.