

Hidden Creek HOA Board Meeting Agenda

Thursday, February 17, 2022 3:30pm MDT

Join Zoom Meeting

<https://us06web.zoom.us/j/81948363218?pwd=SXYxeUIUMnYwMnMvWWZ6amlaZFZSZz09>

I. Establishment of Quorum (3:32PM)

All Seasons

Austin Guymon
Mike Howe
Carissa Nosack
Mike Williams

HC BOD

Michael Berlin
Robert Clymer
Jeffrey Holland
Steve McBride
Vania Wilkinson

HOs

Alan Agle
Amy Blue
Jennifer Bommer

Monica (*Buek or Barnes?*)

Brad Graveline
Lisa Graveline
Lili Holland
Jim Meland
Dan Mitrovich
Dan Johnson
David Knecht
Tim Knecht
Linda D'Appolonia Knecht
Joe Kunzelman
James and Katie Meland
Carri Moentmann
Lidia Pasieka
Hubert Pasieka

II. Additions to Agenda

III. Owner's Comments (15 minutes)

- a. None

IV. Meeting Minutes (Dec./Jan.)

- a. Dec
 - i. Jeff Makes motion
 1. Robert Abstains
 2. M Berlin: Seconds
 3. Steve: Yea
 4. Vania: Abstains
- b. JAN
 - i. Robert makes motion
 1. Michael: Seconds
 2. Steve: Yea
 3. Jeff: Yea
 4. Vania: Yea

V. Management/Maintenance Report

- a. Carissa: Clarification of ASHM, not ASRM or ASRL
- b. Completed, In-Progress, Parking Report; Remodel/Alteration Report
 - i. 24B-Roof leak reported, ice dam vendor called (The Ice Doctor (PC))
 1. Steam treatment, not so harsh on shingles

c. Clubhouse/Laundry Room Status

- i. Heater stopped working—Hired Park City Mechanical and Plumbing
 1. Restored heater, restored and repaired burst water pipes
 2. Asked: Failure motive of heater?
 3. Answered: unknown but it is 30 years old
 4. Drywall problems/roof & ceiling as well
 - ii. Clearcut recommended shutting down laundry room to contact environmental specialist
 1. R&R Environmental checked for asbestos and lead paint--Negative
 - a. As long as rodent waste is encapsulated from the public areas, no reason to discontinue use
 - b. R&R recommended a HEPA filter, assuming we had a forced air furnace (HC does not)
 - iii. Robert Clymer: No current infestation, correct?
 1. Mike W: Correct, not for over a year
 - a. Lengthy process to clean up squirrel waste
 - b. Many issues with clubhouse—in attic, not the building itself
 2. Robert: Address attic squirrel waste before the roofing project
 3. Robert requests that Mike seek out bids for re-insulating the clubhouse roof
 4. NOTE: ASHM reviewed with Board the amount/threshold that requires BOD approval (none if under \$2,500; if over \$5,000, it requires Scope of Work to be approved by Board and 3 bids)
 - iv. Mtn. Regional Water—Leak in clubhouse (again)
 1. Men's toilet is failing
 - a. Valve so corroded, cannot be turned off
 - b. PC Mechanical and Plumbing—replaced toilet and valve (2.17.22)
 - v. Robert: Suggests survey of Clubhouse
 1. Mike W: Clubhouse needs a lot of love in general
 - i. Only the sauna area has been re-done (new heater, new thermostat)
 - b. Probably worthwhile for Board to do a walkthrough to gain perspective
 2. Robert: Opening ETA for Clubhouse?
 3. Mike W: obtained multiple bids from a homeowner who works in the industry
 - a. ~\$850 furnace
 - b. PC Mechanical recommended for install--~\$1,000 (30-yr old furnace)
 - c. Smart Thermostat \$60-\$100 (Amazon)
 - i. So someone can be warned when certain temp. is reached
 4. Drywall—bid from Patchmaster--\$1,460
 - a. ASHM will undertake painting
 5. No objections to ASHM executing on all above proposed work this ASAP
 6. Robert Clymer: What needs to be done to re-open the laundry
 - a. Drywall repaired and painted
 - b. Restoration will be done in stages to speed up re-opening date
- d. Sewage clog on common line—serves 26B & 26C
- i. Line successfully jetted; 26C working with remediation company to take care of interior
 - ii. Cause: Too much toilet paper in system
 - iii. Vania: Request for who worked on what

1. Homeowner took action w/ Black Diamond Plumbing—unsuccessful (Sunday Evening)
 2. Mike W suggested ARS Plumbing (Rescue Rooter) to homeowner—taken care of by midday Monday
 3. Mike W instructed HO to forward the bill from Black Diamond upon reception
- e. Altitude budgeted \$6,015/month
- i. 3-year renewal \$6,185/month (5% increase/year)
 - ii. 1-year renewal \$6,500/month
 - iii. Steve McBride: Implement RFP process—Due diligence for HOA
 1. Clause for refund for reduced work?
 2. Mike W: not aware of one
 3. Aim to be in favor of the HOA, not the contractor
- f. Seal coat/paint (Hot Asphalt)
- i. Georgetown—highly recommended (\$23,790)
 1. In the budget? —yes
- g. Main water valve line replacement (Georgetown)
- i. Main water line valves—3 replaced, 2 in emergency cases (last year)
 - ii. Take care of the 2 known failing ones
 1. Prelim bid--\$8,500 per area (Daley Excavation)
 - iii. 2 in Georgetown (time sensitive—should be done this year), 2 in Townhome area
 1. Create scope of work, seek BOD approval, scope goes to 3 vendors (one being Daley Excavators), solicit two more, BOD makes final selection
 - a. Robert: Must prioritize this
 2. Robert: Suggests to resolve the more potentially expensive issues first
- h. Pond excavation review for BOD— no action needed
- i. Parking patrol—twice/day
- i. Lots of invalid passes
 - ii. Stickers are for no-pass situations
 - iii. Overall good performance on community’s side
 - iv. After-hours patrol—not something that ASHM can do, PC tow is a possible option
- j. Remodel/Alteration Packet
- i. 9A1—Inspected, passed
 - ii. 27C—County inspection received, pass
 - iii. 23B—Brand new, interior, cosmetic only remodel, admin. Approved, not out to HO yet, approval form included in packet
 - iv. 33D—Brand new, interior, cosmetic only remodel, admin. Approved, not out to HO yet, approval form included in packet
 - v. 12A2—refund issued
 - vi. 1B—awaiting county inspection
 - vii. No other current applications submitted

VI. Finance Report (Year-end)

- a. End of year (Dec 2021 Financials)
 - i. Excess of revenues (net income/profit) \$27,523 better than budget
 - ii. YTD finished \$29,056 better than budget
 - iii. Dec: Revenues: \$86,574—better than budget by \$8,858—reinvestment fees
 - iv. Expenses total \$73,009 better than budget by \$18,665 or 20.36%

1. G&A: better than budget by ~\$1k
2. R&M: better than budget by ~\$11.5k
 - a. Excess snow removal and maintenance labor savings
3. Supplies: worse than budget by ~\$2.5k
4. Utilities: better than budget by ~\$8.3k
- v. Cash & cash equivalent: \$1,132,089
 1. Capital reserve: ~1,018,763
 2. Operating \$113,326
 3. NOTE: Includes Special Assessment balance assessed Jan 2021
- vi. Current year reserve contribution: \$244,646
 1. Reserve contributions come from monthly dues
- vii. Reserve expenses: \$670,178
 1. Asphalt—major rehab
 2. Retaining wall
 3. Landscaping stone signs
 4. J2 Consulting
 5. Roof
- viii. Special Assessment \$1,000,000
- ix. Excess of Revenues over Expenses (Net Income) \$29,054
 1. UT Code Title 57 Ch. 8, Section 43-9(h) - \$10k insurance
 2. IRS Ruling 70-604
 - a. Record \$10,000 insurance—apply to Dec 2021 (reduce excess of revenues by \$10k)
 - i. Sits on balance sheet until it is needed for insurance purposes (deductible)
 - ii. All in favor
 - b. Jeff Holland: Role to reserves
 - i. Garrick informed that capital can be moved to operating
 - c. Robert makes motion
 - d. Jeff: Seconds
 - e. Vania: Yea
 - f. Robert: How much does reserve grow each year (not expense)? Income portion each year?
 - i. Depending on reserve studies, whether the reserve is being adequately funded, 3% or a higher number
- x. Estimated 2021 Ending Reserve Balance: ~\$1,012,533
- xi. Mike Howe: Once the Special assessment is passed, the funds are then added to Capital Reserve fund—not broken out
- b. Robert: Condotel status update for Hidden Creek
 - i. 4 new questions in questionnaire
 - ii. Hard to detect except during refinancing or selling
 1. Robert: suggests a write-up to explain the situation and inform the affected party
 - iii. One loan officer/underwriter said that HC has been lumped into Condotel category
 1. Nightly rentals are the primary catalyst
 2. Alan Agle: Corrected that it has been confirmed that HC is a condotel
 3. Steve: Reach out to Miller Harrison about the matter to further discuss

VII. Governance

1. Ratify Closed Meeting of January 25th Actions (Private HO issues and exigent situations)
 - a. Guy Rawson resignation
 - i. Board unanimously agreed to appoint Vania to her position
 - b. Appointment of Vania Wilkinson to BOD
 - c. Fine mediation process
 - i. Robert makes motion
 1. Steve: seconds
 2. Michael: Yea
 3. Jeff: Yea
 4. Vania: Yea
2. Ratify Closed Meeting of February 3rd Action (Contractor selection & exigent situations)
 - a. Selection of CMC as Roofing Committee consultant
 - i. Robert makes motion
 1. Steve: seconds
 2. Michael: Yea
 3. Jeff: Yea
 4. Vania: Yea
3. Ratify Email Actions
 - a. Jeff Holland: Motion made to approve the insurance renewal with the payment in full option—\$44,245 in order to save \$3,604 on the premium
 - i. All agreed
 - ii. Email Responses
 1. Vania: Seconds
 2. Robert: Aye
 3. Steve: Aye
 4. Michael: Aye
4. Land Rights Report – Bob
 - a. Summit County Parcel Viewer--
<https://summitcounty.maps.arcgis.com/apps/webappviewer/index.html?id=85c6c55514ae4d4f9218202e364fec73>
 - b. Adverse Possession Statute-- https://le.utah.gov/xcode/Title78B/Chapter2/78B-2-S214.html?v=C78B-2-S214_1800010118000101
 - c. \$5k allocated to Miller Harrison for land issues
 - d. Point A: Panhandle into golf hole 12 (separates tee box from rest of hole), owned by HC, but used by golf club
 - e. Point D: part of parking lot, cedar road owned by canyons golf club
 - f. Point B: Owned by HC, golf cart road
 - g. See PDF for further details pertaining to land parcels
 - h. Adverse Possession
 - i. People using land that doesn't actually belong to them for a long enough time
 - ii. Adverse possession may not be established unless it is shown that the land has been occupied and claimed continuously for seven years, and that the party and the party's predecessors and the grantors have paid all taxes which have been levied and assessed upon the land according to the law
 1. Panhandle is not in danger of the law
 - iii. Roofing project takes precedence over this subject

5. Committee Reports

- a. Roofing Committee – Steve
 - i. Town Hall (2.17.22), presentation saved to Buildium portal
 - ii. Assisting BOD, including outreach to additional contractors to receive alternate bids
- b. ARC Committee – Michael
 - i. Carissa: ASHM met with Michael Berlin to give recap and overview of application examples, approval forms, etc.
 - ii. Vania is now co-liaison
 - iii. Mar 1 is first meeting
- c. Landscape and Maintenance—Steve
 - i. Currently endeavoring on inventory of HC equipment
 - ii. Cost saving efforts—evaluating vendor expenditures 2021-2022
 1. Once report is reviewed by BOD, items of inventory/evaluation can be shared to community
 - iii. Take lead on review of Altitude contract and possible RFP process (now that 3 years have gone by)
- d. Finance Committee—Jeff
 1. Waiting upon roofing decisions—Loans, rates, cash
- e. Rewrite Committee—Pending Roofing Project Progress—Bob
 - i. Hold off until roofing is completed
 - ii. Position Statement: “Jeff Holland hereby makes a motion to affirm the position that Hidden Creek’s roofing system is systematically flawed as described by J2 in their written engineering reports during the last two years. This board and the previous board have this information. This is considered a maintenance issue of the HOA. The systemic roofing issue needs to be remedied as soon as reasonably possible for all HOA buildings. It is the responsibility of each board member to act as a Fiduciary and not abdicate its responsibility to the community at large through a community vote.
 - iii. Additional Statement: “I consider myself as a professional risk manager. I would like to protect our community members , our investment in this property and remove any negative risk from this community such as safety, health, and structural issues due to the systemic roofing issues as documented by J2 and our HOs - I think it is also important that I as a board member make it publicly clear that I think this a maintenance issue and not a capital improvement (like vs like is the definition of maintenance) - and for future potential litigation and personal risk management, I would like to state my position and have each board member have the opportunity to join me with this motion - we need to make sure that hidden creek remains a safe and viable community for all present and future HOs- and by the way fixing all of the roofs will make our homes more valuable monetarily and a better place to spend time.”
 1. Primary Takeaway: Roofing Project is viewed as a maintenance issue, not a capital improvement
 2. Jeff seeks second
 3. Steve: Responsibility should not be abdicated to the community, it is the board’s responsibility; any deferred maintenance issues are in the board’s responsibility to address
 4. Capital Improvements are governed by bylaws
 5. J2’s systematic structural problems reports didn’t uncover the entire issue until Building 27’s roof was removed—insufficient understanding of the problem
 6. Jeff: Like vs. Like is considered maintenance, not capital
 7. Steve: Not sure if 100% of roofs are all maintenance

8. Jeff goes on record: Go on record, Roofing is a maintenance issue, it is systemically flawed, and needs correction
9. Steve refers to Building 4: relatively new roof, no signs of needing repairs/replacement. Therefore, it is unnecessary
10. Michael agrees with Steve: Address all deferred maintenance; number of unknowns, must follow bylaws.
11. If J2 and other consultants determine that particular roofs are safe, we should not spend the money to replace them
12. Vania: Building 27 issues—HO modification-related
 - a. Does not mean maintenance is unnecessary
13. **Motion fails, no second**

6. Roofing Project Status Review

- a. 2 vendors found
- b. Board met with J2, Ashco, committee members
- c. Some preliminary numbers have been deemed incorrect
- d. Big difference between ClearCut and the other vendors
- e. Board and J2 are proceeding through qualification process
- f. Board has had full transparency with J2 and ClearCut

VIII. **Closing Owner's Comments (ending no later than 5:00 PM)**

- a. Lisa: Future Advice
 - i. Jan 27 email AS, fine mediation process
 1. Voted in closed meeting (against bylaws)
 2. Need to ratify vote in today's meeting
 3. No governance w/o ratification
 - a. Must follow process
- b. Carri
 - i. Fine remediation?
- c. Justified as an emergency, it is okay for BOD to act
- d. Carri
 - i. Thank board member for volunteering time—enormous commitment
 - ii. Appreciate effort to keep everybody informed (Town Hall)
 - iii. Factual items in Town Hall meeting agenda—factually incorrect
 1. Adjust, then repost
 - iv. No institutional knowledge, new committee members, no subcommittee exp.
 1. BOD must know---no resentment or ill will related to election (speaking for Lisa as well)
 2. Invitation to reach out
 - v. Institutional knowledge
 1. Snow removal contract
 - a. Such a contract was made because of significant snowfall in past years
 - b. Additional pushes—go to bottom of list
 2. Hard to keep relationships w/vendors
 3. Use ASHM
- e. Robert invited Carissa to leave meeting because of time (5:00pm reached)
- f. Michael stated no response from Carri came
- g. Carri: No outreach, thus far
 - i. Steve: Untrue—emails sent to Carri, Michael Bradley
 1. TCFC, landing, etc.
 - a. TCFC provided email correspondence, spreadsheets, docs, etc.

- ii. Did not participate in negotiations
 - 1. Land transactions, etc.
 - a. Misinformation
 - 2. Did not participate in gathering of information
 - 3. All was given to Miller Harrison
- h. Michael: Please work together as HOA to resolve this
- i. Hubert: Statement (Jeff) About all the roofs
 - i. Building 4 (relatively new roof)
 - 1. New roof has ventilation system? (whole reason to look for roof repairs b/c now roof ventilation (ice damming, water leakage, etc.)

IX. Hidden Creek Meetings

- 1. Regular Meeting Schedule: Third Thursday of each month at 3:30pm, MDT
- 2. Propose Next Meeting: March 17, 2022 @ 3:30PM MDT

X. Adjourn

*****Please add the following emails to your safe email list to make sure you are receiving communications from ASHM*****

Carissa Nosack, Property Manager	cnosack@allseasonshoa.com
Mike Williams, Maintenance Manager.....	mwilliams@allseasonshoa.com
Kathy Shappart, Account Specialist	kshappart@allseasonshoa.com
Austin Guymon, HOA Administrator.....	admin@allseasonshoa.com donotreply@managebuilding.com

To submit a maintenance task please follow this link:

[Resident \(managebuilding.com\)](http://Resident.managebuilding.com)

Select "Create Request"