

Board Meeting

Via Zoom Videoconference (Due to COVID restrictions)

**MINUTES from the
December 9, 2020 Board Meeting**

CALL TO ORDER: At 6:30 pm by President, Laura Kronick.

PROOF OF NOTICE

Secretary, Carolyn Hodges, reported that the meeting notice and Agenda were posted on the HOA website on December 8th. The invitation to attend this Zoom videoconference meeting was sent out via email to the community on December 8, 2020, by website manager, Joe Rubinstein.

MINUTES OF NOVEMBER MEETING

Secretary Carolyn Hodges stated there are two minor corrections to the draft Minutes that are currently posted on the website:

- Page 7, 2nd paragraph, 2nd sentence, “appreciable” difference; and
- Page 7, NEW BUSINESS, last sentence, ...volunteered to also “serve”

Laura Kronick moved and Togi Kinnaman seconded that the Minutes of the November 11, 2020 meeting, prepared by Secretary Carolyn Hodges, be approved as corrected, and posted on the HOA website. The motion passed unanimously.

ROLL CALL BOARD (term expiration in November)

President: Laura Kronick - 2023 (Present)

Treasurer: Rowdy Sluga – 2023 (Present)

Secretary: Carolyn Hodges - 2021 (Present)

Member at Large: Carolyn Ihrig – 2021 (Present)

Member at Large: Joe Rubinstein – 2021 (Present)

Member at Large: Togi Kinnaman - 2022 (Present)

Member at Large: Phil Savage - 2022 (Present)

OTHERS / HOMEOWNERS ATTENDING

Daryl Richmond Business/Finance Manager: currently living in Florida (volunteer)

East Side Owners: JoAnne Hilton-Gabeler (16833), Chuck Stovall (16947)

West Side Owners: Marcel Cretel (16964), Jim Fitzpatrick (16868), Greg Lovato (16940), Denny Myers (16826), Tommie Plank (16970), Janet Savage (16850), Butch Taylor (16946), and Lorri White (16952)

FINANCES

Financial Report

Volunteer, Business/Finance Manager Daryl Richmond gave the following reports (Joe Rubinstein displayed, and all attendees could view, the financial reports):

- Monthly Budget Report dated November 2020

- Statement of Financial Position dated November 30, 2020
- Profit & Loss Detail dated November 2020

These financial reports were posted on the website prior to the meeting.

A lengthy discussion was held regarding various line items in the financial reports.

President Laura Kronick asked about two large expenditures in October 2019:

- **Restoration I** in the amount of \$8,027.79. West Side owner Jim Fitzpatrick (16868) stated that was for his water heater. Joe Rubinstein stated it was for water damage to Jim Fitzpatrick's house. Laura Kronick said she thought the HOA insurance paid for that expense; Daryl Richmond stated that it did and he then paid Restoration I. Laura Kronick asked where that insurance reimbursement was shown in the financials. No response was given.
- **Front Range Exteriors** in the amount of \$6,451. Phil Savage stated that was for West Side house painting in October 2019.

President Laura Kronick inquired about retained earnings prior to 2018 and just where that money is.

Daryl Richmond stated the retained earnings money was probably in the CDs at LPL Financial.

Joe Rubinstein mentioned that we have new assessments (HOA dues) that need to go out to the owners for 2021 and asked who will be sending those out. Daryl Richmond and Treasurer Rowdy Sluga will work together on this and get them out in a timely manner.

Resolution for signers-signatory authority on bank accounts, LPL and ENT

President Laura Kronick reported that the three signers on the ENT account are: Laura Kronick, Rowdy Sluga and Carolyn Hodges. A Resolution will be given to ENT.

President Laura Kronick reported that signers on the LPL account are being updated and will be finalized shortly.

Comingled Funds Explanation

President Laura Kronick asked Joe Rubinstein to explain the comingled funds. Joe Rubinstein stated that the \$23,000 in Retained Earnings are comingled funds and were divided when the budget was split into two separate budgets: Project Budget (All owners) East & West and Phase 1 (West Side).

It was previously approved to purchase a CD with \$20,000 plus interest of \$9,000 for the West Side Roof Replacement Reserve. \$33,000 of West Side funds and \$11,000 of comingled funds remain in 2 CDs at LPL Financial.

Resolutions

Phil Savage moved and Joe Rubinstein seconded that West Side money from Phase I contingency be transferred to Roof Replacement Reserve on 12/9/20. A roll call vote was taken:

Carolyn Hodges – yes	Carolyn Ihrig – yes	Togi Kinnaman – yes
Laura Kronick – yes	Joe Rubinstein – yes	Phil Savage – yes
Rowdy Sluga - yes		

The motion passed unanimously. Joe Rubinstein asked how we could do the physical signing and President Laura Kronick said she would help with docu-signing the Resolution.

Laura Kronick moved and Carolyn Ihrig seconded that the common unspent amount of \$7,000 be moved to Ground Repairs. A roll call vote was taken:

Carolyn Hodges – yes	Carolyn Ihrig – yes	Togi Kinnaman – yes
Laura Kronick – yes	Joe Rubinstein – yes	Phil Savage – yes
Rowdy Sluga - yes		

The motion passed unanimously.

Approve 2021 Budget

Daryl Richmond stated that since he, personally, did not do the 2021 budget, Joe Rubinstein should handle this portion.

Joe Rubinstein reported that he would start with the property management report as follows:

Realistic management company amount \$10k - \$20k (Joe Rubinstein/Butch Taylor)

Joe Rubinstein stated that he was tasked with the process of investigating management companies at the September 9, 2020 meeting. Phil Savage and Butch Taylor assisted him in this process. Joe stated, "Butch Taylor was a pit bull in negotiating the contracts."

Joe Rubinstein displayed (and all attendees could view) slides showing the process for determining the criteria of selection of a management company.

Joe Rubinstein reported that owner, Joanna Anaradian began a grass roots movement to poll the neighborhood regarding hiring a management company. The results of that poll were 26 for, 1 against and 3 needed more information.

Joe Rubinstein reported that 2021 quarterly dues for the East Side will be \$600 and for the West Side will be \$980.

Joe Rubinstein reported that the Board approved the 2021 Budget With Management at the October 7, 2020 meeting. Selection of a management company will be made later in this meeting.

UNFINISHED BUSINESS

Reserve Study Status

President Laura Kronick suggested that we table the Reserve Study until we go through the transition with the new management company.

Phil Savage stated that we had budgeted for this Reserve Study in the 2020 budget and we should write the check for half the study before year end. President Laura Kronick said we could carry forward this amount to next year's budget.

Rowdy Sluga stated that in his reading of the management company documents it looks like they will be doing the same things that is contained in the Reserve Study. He doesn't see the rush to write the check before year end.

Rowdy Sluga moved and Carolyn Hodges seconded that we table the Reserve Study until the management company comes on board. Discussion was held. A roll call vote was taken:

Carolyn Hodges – yes	Carolyn Ihrig – yes	Togi Kinnaman – yes
Laura Kronick – yes	Joe Rubinstein – yes	Phil Savage – yes
Rowdy Sluga - yes		

The motion passed unanimously.

Management Company Selection

Joe Rubinstein reported on the four management companies that were reviewed: Z & R, BSR Communities, Warren Management and Hammersmith Management.

Laura Kronick moved and Carolyn Hodges seconded that we engage Warren Management as of January 1, 2021. A roll call vote was taken:

Carolyn Hodges – yes	Carolyn Ihrig – no	Togi Kinnaman – yes
Laura Kronick – yes	Joe Rubinstein – yes	Phil Savage – no
Rowdy Sluga - yes		

The motion passed with 5 yes votes and 2 no votes.

Limited Amendment redux results

President Laura Kronick stated that the redux of the Limited Amendment was done improperly and without Board approval.

Carolyn Ihrig stated that she didn't know that Board approval was necessary to do a second mailing with a new deadline; she stated that she would be willing to cover the expenses of the second mailing. She said her committee consisting of Joe Rubinstein and Phil Savage were assisting her.

Carolyn Hodges asked if the Limited Amendment was passing to date; she is aware that the deadline to respond is tomorrow. Phil Savage stated that he was collecting the ballots and that it was passing. Carolyn Hodges asked what the count was. Phil Savage stated that he was not aware of the exact number. Carolyn Hodges asked him to count them since they were in his possession. Phil Savage reported there are currently 31+ yes votes.

A lengthy discussion was held regarding the actions that were done on behalf of the Board that were not approved and the validity of those actions. Joe Rubinstein stated that the HOA attorney said a Limited Amendment was the only way to correct the deck issue. Carolyn Hodges stated that the attorney had also said that a policy could accomplish the same result.

Rowdy Sluga stated that once the ballots came into the hands of someone who has a vested interest, he questions the legitimacy of those votes; when the same person who was making phone calls to coerce owners to vote a certain way is collecting the ballots, that invalidates the votes.

President Laura Kronick reported that the voting procedures contained in Exhibit M (approved in 2020) should have been followed, or at least the ballots should have gone directly to the HOA secretary.

Joe Rubinstein asked how we move forward on this issue. President Laura Kronick replied that the next step is to invalidate the vote as not legal because proper procedures were not followed.

Carolyn Ihrig stated to President Laura Kronick that she was resigning as a Board member effective immediately. President Laura Kronick acknowledged that she accepts the resignation and thanked Carolyn Ihrig for her service as a Board member and wishes her well. Carolyn Ihrig exited the meeting at approximately 7:47 pm.

Rowdy Sluga moved and Phil Savage seconded that we contact our attorney to clarify the current status of the Limited Amendment. A roll call vote was taken:

Carolyn Hodges – yes Togi Kinnaman – yes Laura Kronick – yes

Joe Rubinstein – no Phil Savage – no Rowdy Sluga - yes

Secretary Carolyn Hodges asked if the person who seconded the motion can vote “no”?

President Laura Kronick said they can and it happens all the time.

The motion passed with 4 yes votes and 2 no votes.

Maintenance and Insurance Rules

President Laura Kronick reported that these are being tabled until the next meeting.

Architectural Control Committee (ACC) Chair Appointment

President Laura Kronick reported that Rowdy Sluga will serve as Chairman of the ACC.

The members serving on the ACC are: Greg Lovato, Tommie Plank and Butch Taylor.

To date Guenter Ihrig had not responded if he wants to remain on the ACC.

Rowdy Sluga stated that Greg Lovato had to leave the meeting and had given him the ACC report as follows:

- the installation of a small pergola at 18675 East Side is progressing;
- the dead trees are being addressed; and

- the West Side privacy fence issue is being tabled because the management company will likely have control of this issue.

2021 Calendar of Board Meetings

President Laura Kronick stated that the second Wednesday of each month is tentatively scheduled to hold our Board meetings. This schedule will likely be affected with the hiring of Warren Management and the current COVID restrictions/in-person versus remote.

NEW BUSINESS

Altitude Law

Altitude Law, the HOA attorneys, will be sending us their fee structure for 2021.

Owner Comments

Owner Marcel Cretel asked Treasurer Rowdy Sluga if Daryl Richmond will continue to do our bookkeeping until the end of the year and when will an audit be done?

Rowdy Sluga replied that yes, volunteer Business/Finance Manager Daryl Richmond, will be working through the end of the year and as soon as he gets the books, he will be doing an audit.

Adjourn

Rowdy Sluga moved and Carolyn Hodges seconded that this meeting be adjourned. The motion carried unanimously and the meeting was adjourned at 8:24 pm.

The next meeting will be January 13, 2021 at 6:30 pm, via zoom video conference.

Respectfully Submitted,

***Carolyn Hodges**

Carolyn Hodges, Secretary

*Signature on file with the HOA