

## **OWL CREEK HOMEOWNERS ASSOCIATION**

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### **MINUTES OF THE August 9th, 2023, BOARD OF DIRECTORS MEETING**

#### **I Call to Order**

Kay Hanafin called the Meeting to order via Zoom conference call at 3:02 pm with Board members Ed Thomas, Gene Schmitt, Jay Warren, Z. Divjak and Chuck Lohmiller. Barton Craig of Frias Properties and Bob Kaufmann were also present.

#### **II Proof of Notice of Meeting**

Mr. Craig presented proof of notice of the meeting, which was via email.

#### **III Reading and Approval of the Minutes**

Mr. Lohmiller made a motion to waive the reading of the Board Meeting Minutes of July 12th, 2023, and approve them as written, Mr. Divjak seconded, and the motion was passed unanimously via voice vote.

#### **IV Old Business**

##### **Fund Balances**

Reserve Fund	\$670,832.85
Construction Fund	\$2,736,192.84

##### **Construction Update**—Jay Warren and Bob Kaufmann

##### **Concrete update**

Mr. Warren and Chris Beebe (with much effort) assembled a full list of unacceptable concrete patio decks. The contract with Rudd specifies that only a list compiled by the HOA architect would be accepted. Mr. Kaufmann, Mr. Warren and Mr. Beebe walked all 60 decks that were poured by Rudd last year. This resulted in a meeting with the Rudd principals with all pictures and documentation, at which Rudd eventually agreed to properly wash all of the decks, which Chris Beebe thinks will mitigate issues on many (but not all) of the decks. In addition, at a later meeting Brandon Watson from Rudd agreed that some additional decks will be replaced with new concrete at no cost to the HOA by Rudd.

##### **Azek Paint Update**

Mr. Warren summarized that the painted surfaces of the Azek trim boards have been failing and peeling for some time. The paint is supposed to chemically bond to the Azek and last for many years but it is failing in most places in less than a year after it was installed. Many hours have been spent at OAC meetings over the last several months discussing this matter. Last week a meeting was set up onsite with Jay Warren, Bob Kaufmann, Barton Craig, Jade Pender and two other Azek reps. Multiple decks were inspected at 3 different homes, showing varying degrees of significant paint deterioration on the Azek trim boards. The Azek reps indicated they had never seen this type of wholesale failure of painted Azek and acknowledged that after discussion with Rudd that they followed all of the recommended steps for painting the surfaces. Azek agreed that the issue was not caused by negligence of Rudd or the painting subcontractor. A small piece of Azek with badly peeling paint was cut out of a deck at 202 Streamside and given to the Azek reps to take back to their factory and testing facility.

Although the HOA is awaiting a response from Azek after they test the sample, Mr. Warren noted that the HOA, with input from multiple consultants, have decided to abandon Azek for the trim board application because of this paint issue. There is no confidence that Azek can solve this problem in a way where the paint can last as long as the lifespan of the railings in any practical way that the HOA can maintain. The proposed solution is to replace these Azek boards with waterproofed plywood boards with a metal covering in horizontal applications and with painted cedar in vertical applications. The metal will be same type as used in metal roofs and is very durable. Rudd has built a mock up, which Mr. Kaufmann shared pictures of via Zoom. Rudd is working on a price quote to replace this element as the proposed solution in the 15 homes that have been completed.

### **Punchlist Status for 15 units**

Mr. Warren noted that Rudd has been working on non-concrete and non-Azek painting punchlist items and many are nearly complete on the 10 Streamside Court units, but little has been done yet on the 5 Burnt Mountain homes. Mr. Kauffman noted that the 5 decks poured last year that have been demolished as warranty repairs now have dates starting next week for concrete pours. This work should be complete by the end of August. These 5 decks have already been demoed, had the snowmelt systems drained and refilled and waterproofing checked and flood tested.

### **813 Deck Leak Update**

Mr. Craig noted that since the last Board Meeting a vendor was hired to demo one square of the living room deck, and AAA Waterproofing was scheduled to perform a waterproofing inspection and eventual repair on the exposed area. Then the deck was flood tested. The deck passed the flood test with no leak, when it had failed the same

test two weeks prior to the waterproofing repair. A concrete patch over this area will be done when concrete is poured for the warranty work being done by Rudd on the front L3 deck at the same unit later in August.

### **Maintenance List Requested**

Per request by the Board at the July Board Meeting Mr. Craig started keeping a list of HOA repairs and actions as they occur. Mr. Craig provided a quick summary of 28 repairs and request for repairs that have occurred since July 12th.

### **813 Burnt Mountain Leak**

Mr. Craig summarized per previous instructions from the Board that demolition was performed on one corner square of the living room deck to investigate the waterproofing around the snowmelt detail. That demo did reveal some suspect waterproofing around the snowmelt lines. AAA waterproofing did a repair to the area and a flood test was scheduled. The flood test did NOT result in any leaks. This same deck leaked the last time it was flood tested. A concrete patch will be scheduled when concrete is poured on the front L3 deck of the same unit.

## **V New Business**

### **Owl Creek Homes Association 2<sup>nd</sup> Quarter Financial Report**

Mr. Craig summarized the report provided to the Board that the HOA expenses are \$19,843 over budget through Q2, with a deficit of \$14,405. The line items that comprise the bulk of the deficit are Snow Removal of \$19,843, Legal by \$4,465 and Insurance by \$2,315. The HOA is under budget in R&M by \$7,500

### **Proposed 60 foot cell tower installation off Burnt Mountain Drive**

Mr. Warren discovered that the SkiCo is proposing a 60 foot tall cell tower to be erected between the entrance and exit of the Two Creek parking lot and start of Burnt Mountain Drive, approximately 200 steps from the entry of the Owl Creek Homes. A public hearing is scheduled for August 21st at 4:00pm at Town Hall. There is no shelter of trees to mitigate this installation, which is completely out of scale of the surrounding buildings and trees. Mr. Warren suggested getting a signed petition from Owl Creek Homeowners to present at the public hearing. Mr. Warren would like to set up an electronic petition so that it could be circulated to all of the homeowners. The Board unanimously agreed that Mr. Warren can represent the Owl Creek Homes at the public meeting on August 21st and express agreement by the Board and the Owl Creek homeowners in opposition of this proposed tower.

### **712 Burnt Mountain Drive driveway**

Mrs. Hanafin reminded the Board of pictures that were circulated since the last Board meeting showing that the owner of 712 Burnt Mountain Drive had installed a large amount of river rock to act as a boarder to widen their driveway. This installation was neither requested nor approved by the Board. Mr. Warren noted that the homeowner seems to think it is easier to ask for forgiveness than ask for permission and that this is a dangerous precedent. Mr. Warren noted that snowplowing over this river rock could likely cause damage to the river rock and that the river rock could cause damage to the snowplow. The Board agreed unanimously that this installation cannot be allowed and the homeowner will be notified that they are responsible to removing the the rock and restoring the area to its original condtion within a designated time period. And if it is not done properly and paid for that the HOA will have the work done and the owner will pay the HOA or have a lien placed on the property.

### **Bear Activity at Burnt Mountain Drive Dumpster**

Due to recent bear activity at the Dumpster the topic of whether to install a lock on the Burnt Mountain Drive dumpster doors. Mr. Divjak also observed non-residents and contractors using the dumpster. The Board agreed to have Mr. Craig contact the local locksmith to quote installing a combination lock on the dumpster doors and proceed with this work if practical.

## **VI. Adjournment**

Mr. Thomas made a motion for adjournment; the motion was seconded by Mr. Lohmiller and the meeting was adjourned at 4:51pm.

Submitted by,

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Eugene Schmitt, Secretary/Treasurer