

## **OWL CREEK HOMEOWNERS ASSOCIATION**

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### ***MINUTES OF THE September 22nd, 2021, BOARD OF DIRECTORS MEETING***

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

Ms. Hanafin, called the Meeting to order via Zoom conference call at 10:07 am with Board members Chuck Lohmiller Gene Schmitt, Z. Divjak and Connie Hodson in attendance. Scott Schlesinger appointed his proxy to Kay Hanafin. Barton Craig of Snowmass Lodging Company was 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. Schmitt made a motion to waive the reading of the Board Meeting Minutes of August 2nd, 2021, and approve them as written, Mr. Divjak seconded, and the motion was passed unanimously via voice vote.

#### **IV Old Business**

#### **V. New Business**

##### **Request for Modification to Install New Window—306 Burnt Mountain Dr**

The owner of 306 Burnt Mountain has submitted an architectural sketch to frame and install a new 10 foot wide window in the dining room of the house. The homeowner, Ms. Pinnell, joined the meeting. She explained that all of the “A” floor plan homes are darker in the dining room area and that the purpose of the request is to address this issue and increase the amount light in the dining area. She explained that she would take responsibility for all future costs associated with repair or replacement of the window, as well as any other costs related to the building itself. Premier Buildworks would be the contractor, with Poss Architects to provide the design and consultation. She said that she would sign a legal agreement to take this financial responsibility. She also agreed to pay for the cost of drafting such a legal agreement.

Mrs. Hodson acknowledged the Board’s concern about future expenses related to the proposal but also expressed concern about the architectural continuity of entire community. She mentioned that this is particularly important as if this request if granted by the Board, that several homeowners may submit the same

request in the future, possibly some or all of the “A” floorplan homes. This request to add the window by 306 Burnt Mountain would set the precedent.

Mr. Lohmiller noted concern about opening exterior walls and waterproofing and the unknown conditions that might be encountered. He also noted that the original design of the homes as they exist is why many homeowners had originally purchased at the Owl Creek Homes and that maintaining architectural integrity of the original design is important to the Board and homeowners.

After discussion Mr. Lohmiller made a motion that the Board needs to create a process for future exterior architectural changes and that this would not be addressed until the current exterior renovation work is completed. Therefore, the Board cannot approve the request at this time. Mrs. Hodson seconded the motion was unanimously approved. Mrs. Hanafin will send a note to Ms. Pinnell notifying her of the Board’s decision on this matter.

### **Request to install shrubs/Mugo Pines behind 609 Streamside Ct**

The owner of 609 Streamside has requested to plant at their owner expense several shrubs that would be plants at the far edge of the back patio, facing the driveway of 508 Streamside to provide privacy screening. The original request was for dogwood shrubs but they now request Mugo pines, which are a dwarf pine that would provide year round protection. Mugo pines are planted elsewhere in the complex.

Mr. Divjak made a motion to approve the request, pending approval from the owner of 507 Streamside Court, as they are the only other home that would be impacted by this planting. And further that the owner of 609 Streamside will be responsible for all costs for planting, but that the HOA will assume responsibility for maintenance of the shrubs after they are planted.

### **Current Budgets**

Renovation Budget (Railings Project) - \$818,093.91

Reserve Fund (Spa Decks, Privacy Walls, Consultants, EIFS, Homeowner needs) - \$297,842.90

Based on Budget – Cost to Date/Cost to Complete

Cost to Complete (Renovation Budget) - \$619,119 railings project (Need \$443,192 for FROL next summer to complete railings)

Cost to Complete (Reserve Fund) - \$373,787

We are probably missing some outside consultant costs including Richard DeCampo and Albright.

## **Complications of Line of Credit Application**

Management received communication from Alpine Bank that there are two items their attorney needs to proceed with the HOA LOC.

The simple item is that the HOA Responsible Governance Policies need to be updated to meet current CCIOA requirements, in particular the HOA Collections Policy. The Board has been sent an updated Responsible Governance Policy drafted by Jody Edwards that meet current statute and will satisfy Alpine Bank. The Board simply needs to vote to adopt them. This is a matter that should be taken care of regardless of the Line of Credit, but came to our attention as a result of this process.

Mr. Schmitt made a motion to adopt the updated Responsible Governance Policies, Mrs. Hodson seconded and the motion was passed unanimously.

The second issue is that Alpine Bank requires language in the HOA Declaration that the Association can pledge their income to a third party. This language typically is pre-written into most HOA Declarations, as the HOA cannot borrow money without it. As the HOA has no assets the only collateral it can offer the bank is the right to assess. Unfortunately, this language was not written into the Owl Creek HOA Declaration. Until this is amended the HOA can never borrow funds. The HOA will need to proceed with a Declaration Amendment in order to move forward with the LOC. This will need to be drafted by our attorney (a pretty simple task) and will require a vote by all 31 homeowners with a 67% majority needed to pass the amendment.

After discussion amongst all of the Board members, it was decided at this time not to pursue the Declaration Amendment, or the Alpine Bank Line of Credit. The Board will instead focus on addressing cash flow issues by planning on creating the Special Assessment for deck replacement sooner as opposed to later. The Declaration Amendment may be pursued at some point in the future, as access to credit for the HOA would be a valuable tool to have available at some point in the future.

## **Emergency 813/814 Deck Replacement**

Mrs. Hanafin summarized issues related to 813/814 Burnt Mountain that have been discussed at previous Board meeting that need immediate attention. She presented to the Board the budget to replace 3 decks: 814 – L2 and L3 Deck and 813 – L2 Deck which is \$89,566 including a 20% contingency. This work would commence October 4 and be completed by November 12. She reminded the Board that not all of 813 or 814 decks will be replaced, the rest of the decks will occur next summer (not ideal for the homeowner).

Mrs. Hanafin made a motion to move forward with the above specified deck replacement for 813/814 Burnt Mountain as soon as possible. Mr. Divjak seconded and the motion was passed unanimously.

### **Deck Replacement Assessment**

Full Deck Replacement (31 Units) - \$3,362,904 plus \$89,566 = \$3,452,470  
Per Unit Cost \$111,370  
(Missing Bob Kaufmann, Albright, Decampo, Everett (waterproofing consultant) costs)

Replenish Reserve Fund - \$500,000  
Assessment - \$4,000,000 - \$4,500,000  
Per Homeowner Assessment - \$129,032 - \$145,161

Holly Hunt to assist with concrete color

Guaranteed maximum price or schedule incentive has been discussed with Bob Kaufman. It is not yet known if this will be part of the HOA contract for this project.

Concerns about plaster and drywall with demo of decks-Minor drywall and plaster damage has occurred in some homes due to EIFS and deck railing work. The concrete demolition is likely much more impactful. The work at 813/814 will be a test that should enable the HOA to get a better idea of what the cost for interior repairs might be when all of the decks are replaced in all homes. Plastic coverings will be put in place in the interior spaces that might be impacted at 813/814 to protect furniture and floors.

No renovation projects Summer of 2022-While the Board does not have the authority to prohibit owners from doing interior work on their homes, the Board will encourage homeowners to postpone large interior projects for next year, as parking and dumpsters and multiple contractors working around each other will complicate and potentially delay the HOA projects.

Outriggers –These are the wood support beams under each decks. Many are partially rotted or split. Part of the deck replacement project will include repairs such as cutting, sealing, remounting and flashing

Schedule-To be determined. Once the schedule is set and sent to homeowners, no deviation because of homeowner or renter occupancy will be allowed. And it is also understood the HOA schedule will be subject to change, as many factors out of the control of the HOA can impact scheduling.

Update to Owl Creek Community – The Board plans to send a letter to all homeowners by October first with a general update.

### **HOA Audit**

Mr. Lohmiller discussed the need for an audit of the HOA Operating, Reserve and Renovation accounts, due to the large dollar allocations. Mr. Lohmiller and Mr. Divjak have been in contact with two accounting firms that specialize in HOA audits. In addition to reviewing the past activity in these accounts an audit will also be able to recommend best practices going forward. Mr. Lohmiller hopes to have an estimate of the cost for this service from each company within the next week or two.

### VI. **Adjournment**

Mr. Lohmiller made a motion for adjournment. Mrs. Hodson seconded, and the motion passed. The meeting was adjourned at 12:45 pm.

Submitted by,

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Mrs. Hodson, Secretary/Treasurer