

**VILLAGE CENTER CONDOMINIUMS
BOARD OF DIRECTORS MEETING
OCTOBER 24, 2023 ~ 9 A.M. (MT)
MEETING MINUTES**

Call to Order

B MacFarlane called the meeting to order at 9:02am MT.

Proof of Notice

Notice was emailed to Board members and posted to the association's website.

Roll Call/Establish Quorum

In attendance –

Bill MacFarlane

Mark Voegeli

Roger Sherman

Ross Foldetta

Roger Hanagriff

Clark Taylor (*joined at 9:04am*)

A quorum was established with 5 of 6 Board Members in attendance at the time of roll call.

Also in attendance, Wanda Bearth and Sierra Bearth, Crested Butte Lodging & Property Management, Inc (staff).

Election of Officers

R Sherman made the following-

- Motion: Appoint B MacFarlane as President, R Foldetta as Vice President and R Hanagriff as Secretary / Treasurer. The remaining members, M Voegeli, R Sherman, and C Taylor are directors.
- 2nd: M Voegeli
- Discussion: None
- Vote: Unanimous approval

Reading/Approval of Past Meeting Minutes

August 24, 2023

M Voegeli made the following –

- Motion: Waive the formal reading of the August 24, 2023 meeting minutes and approve as drafted by CBL
- 2nd: R Foldetta
- Discussion: None
- Vote: Unanimous approval

Reports

Financial Report

W Bearth reported available operating cash as of September 30, 2023 in the amount of \$104,93 and available capital cash of \$519,780. She pointed out there is \$16,932 in accounts payable pending against the operating balance. She reviewed the recent income statement and noted that for the fiscal year, the association is over budget by \$59,091 with snow removal being a large contributor to this overage. She reviewed the capital expenses and noted that many items are under budget as much of the work is in progress.

Management Report

W Bearth reported the following -

- Mays Concrete – We received an updated quote for a vertically shored wall, with a top coat mimicking the building's stucco. That estimate was incorporated into this years proposed capital budget. I requested that the deposit be refunded but have not heard back.
- Emmons Wall Condition – We took measurements at 4 points on the long wall, including from the 'bulges' on the east side and from top to bottom on the west side. The lean on the west side measured 5 ¼" and 5 ¾" and the bulging points measured 3 ½" and 4", using the bottom timber as the reference. We'll monitor these points throughout the winter and spring. Our maintenance tech, Joe, noted that the railroad tie wall is in considerably better shape than the timber wall (which is the long wall). Creosote soaked railroad ties are no longer an option, of course. The board will need to consider the longevity of timbers as they work through material options for replacement of the walls at Emmons.
- Drainage – Dietrich's crew raised concern about the water seeping through/under the wall, the inside corner. From Matt (SCJ): "As for the water in that corner, the new wall will have a perimeter drainage system that will remove any water seeping behind the wall. Additionally, that pavement right up against the wall will need to be replaced when the old wall is removed and we will make sure that the replacement pavement has positive drainage away from the wall."
- Transformers – The 2 electric transformers on top of the wall power the Mountaineer Square, the one on the parking lot feeds power to Emmons. I spoke with Ron, the chief engineer for GCEA (on 10/2/2023) and he confirmed that the electric company owns those transformers, rather than the homeowners. With regards to any type of help, it seems that he doesn't feel that they have any responsibility for building the wall; he said the 48" pads that they sit on should be sufficient to hold them in place during construction. Ron did offer that they would hold the transformers in place with their own equipment, but they only have 4 boom trucks for all of Gunnison and Hinsdale Counties, so situating them at Emmons for more than a couple of days is not feasible. Also, he added that 'the members' (of GCEA) shouldn't have to bear the cost for holding those transformers in place. This is the same answer I got last summer when I met with the 2 of the linemen. My thought is that CMT might be able to answer as to the soil compaction question, Darin may already have enough info to answer that specific question. AND, boom trucks sitting in the parking lot would interfere with construction. There should be a way to engineer around this concern, like anchoring from the top, or maybe it's not even a real concern. I will reach out to Darin at your direction.
- Window Estimate – The site visit with Mountain Windows and Mueller Construction was postponed 3 times this month, hopeful for a mutually agreeable time in November.
- CenturyLink – After multiple attempts for a service order and/or a repair order to evaluate the feasibility of moving the phone lines out of AX101's unit, I was able to get a call into Chris Sahr with Electronic Solutions (a local company) and explained the situation thoroughly. He offered to look for the D mark, the point at which phone lines are considered private property and also the point at which he is authorized and willing to perform work. No word back from Chris, but I talked with Dr. Sherman and we agreed that a well timed visit to the local office might move this along. We're looking for an estimate

from Electronic Solutions for the rerouting of these phone lines for the board's consideration. This expense may fall within the HOA's financial responsibility.

Old Business

Pending with ACL

Slip and Fall Claim Update

D Firmin reminded the Board that a settlement was offered. He has not heard back from the other party yet.

Elevation Easement & Maintenance Obligations

D Firmin has not heard back from the Elevation's attorney yet on the maintenance plans. The Board discussed the snow removal by Elevation and Axtell and B MacFarlane clarified Elevation is a part of the Town Center Association and pay dues for that plowing. W Bearth reminded the Board that Elevation has paid \$10,800 for the access road maintenance off of Snowmass road.

Unauthorized Window/AC Installations

W Bearth informed D Firmin that there are AC units that have been installed on the exterior of the building. D Firmin informed the Board that the building statute requires that changes be addressed in the first year, but if installed on common elements, the statute of limitations for trespassing allows for 18 years to be addressed. Windows must be addressed within the first year of installation. D Firmin clarified that an AC unit being unapproved for installation does not set a precedent for approval. D Firmin advised that the Board can consider adopting rules and regulations for install of mini-splits. B MacFarlane directed W Bearth to send notice of violation that the installed AC unit was not approved.

Emmons Project Next Steps

Pending

Request to Engage CMT

Pending

Amended Proposed Capital Budget Incl Loan Due to Capital

Pending

LMS Electric Transformers & Assistance Request

Pending

Parking Passes

Pending

Closets

Pending

New Business

Spectrum Cable/WiFi Proposal Review & Consideration

Pending

Other Business

Declaration Amendment Review

Exhibit C

D Firmin recapped that Exhibit C clearly states where insurance and maintenance responsibilities stand between the association, residential owners and commercial owners. Upon question, D Firmin noted that Exhibit C is drafted based on Board input for responsibilities and not how the document is currently written. The Board discussed porches, patios and balconies and the maintenance responsibilities of these limited common elements. The Board agreed to revise the draft document to have limited elements (porches, balconies, and

patios) cleaning responsibilities be on individual owners and maintenance be on the association. R Foldetta suggested not splitting common element expenses between residential and business owners. The Board discussed exterior lighting all being maintained by the association for safety and proper maintenance. The Board discussed the future of fireplaces in the association and considered disallowing anything but electric fireplaces in the operating documents. They further discussed how to handle closing off the firebox to prevent accidental use. The Board discussed utilities that run through a unit and service more than one unit and how to handle those, with consideration to the landline system in R Sherman's space.

Ownership Allocations

Pending

Pending Business - Pending

Window/Slider Standards & Estimates

Elevation Access Drive Easement & Maintenance Obligations-Pending with ACL

Establish New Parking Agreement with CBMR for "approximately 8 parking spaces"

Emmons S. Sidewalk Pedestrian Easement Review Incl. Indemnity-Ross/Ally

Emmons North Lawn Responsibility

Unauthorized Window Installations and AC Units-ACL

Homeowner Request for Axtell Grill

Fireplace & Flue Condemnation Consideration

Adjournment

B MacFarlane made the following-

Motion: Adjourn the meeting

2nd: M Voegeli

Discussion: None

Vote: Unanimous approval

The meeting was adjourned at 11:01am MT.