

# Village Center

## **Record of Action by Electronic Vote**

### **2022**

#### Assessment Due Date

The Board approved the motion cast on November 17, 2022, to Establish May 31, 2023, as the due date for the 2023 Capital Project special assessment, totaling \$150,000 and to be apportioned as per the 2<sup>nd</sup> amendment to the HOA's declaration. The assessment will cover costs related to the fire panel replacement, Emmons parking lot repairs, walkway and stairwell work and certain hot tub repairs.

#### Governance Policies

On December 2, 2022, the Board voted to adopt the 9 Responsible Governance Policies, as amended by legal counsel and in compliance with state legislation.

#### Declaration Amendments

The Board approved the Declaration amendments to Section 22 and 41.4, for presentation and consideration by the membership at the annual meeting.

#### Meeting Minutes

The Board approved the motions cast on September 23, 2022 to Action #1: Approve the August 31, 2022, Board meeting minutes as submitted by Crested Butte Lodging & Property Management (CBL) and incorporate into the HOA's permanent records; Action #2: Approve the September 8, 2022, Board meeting minutes as submitted by CBL and incorporate into the HOA's permanent records ; Action #3: Approve the September 15, 2022, Board meeting minutes as submitted by CBL and incorporate into the HOA's permanent records; Action #4: Approve the September 22, 2022, Board meeting minutes as submitted by CBL and incorporate into the HOA's permanent records.

#### Annual Meeting Date

The Board approved the motion cast on September 8, 2022 to postpone the September 22, 2022, annual meeting of the Village Center home owners association to October 20, 2022, to allow adequate time for legal counsel to prepare an amendment to section 22 of the declaration for the homeowners consideration at the annual meeting.

#### Easement

The Board approved the motion cast on July 21, 2022 to approve the easement agreement with Boxer F2 L.P. and Elevation Owners Association, dated July 21, 2022.

### Legal Action

The Board approved the motion cast on July 14, 2022, to approve the resolution dated July 14, 2022, authorizing legal action to collect delinquent assessments owed by WOFTAM LLC, owner of unit Emmons 432.

### Boxer/Elevation Communication

The Board approved the motion cast on June 28, 2022, to approve the language in the letter dated 6/24/2022 and authorize Michael O'Loughlin to send it to the Elevation Hotel's legal counsel.

### Parking Lot Agreement

The Board approved the motion cast on April 29, 2022, to approved and execute the Whetstone/Axtell parking lot agreement.

## **2021**

### Assessment Schedule

The Board approved the motion cast on September 22, 2021, to fund the 2021-22 capital plan with assessments proportionate to ownership interests, due by May 31, 2022.

### Capital Budget

The Board approved the motion cast on September 6, 2021, to approve the capital budget for the fiscal year ending September 30, 2022.

### Parking Lot Agreement

The motion cast on August 11, 2021, to approve the initial Whetstone/Axtell parking lot management agreement as drafted by legal counsel and forward to the Ski Center Condominium Association for consideration was approved by the residential board members.

### Annual Meeting Date

The motion cast on June 3, 2021 was approved by the Board of Directors to hold the Village Center annual homeowners meeting on September 23<sup>rd</sup>, 2021 at 11am MT.

### Budget Amendment

The motion cast on May 10, 21 to reallocate \$1,500.00 from the regular operating dues to capital reserves and amend the budget accordingly to illustrate that 10% of the regular dues will be reallocated to capital reserves for the current fiscal year was approved with a majority vote.

### Board Member Time with Legal Counsel

The motion cast on March 10<sup>th</sup>, 2021 to authorize Ross Foldetta to work directly with the HOA's legal counsel for matters specifically related to developing an easement and maintenance plan for the access

road and Axtell parking lot which are currently shared with the Elevation Hotel and the Whetstone homeowners.

#### BWA Settlement Agreement

The motion cast on February 18<sup>th</sup>, 2021 to approve the settlement and release agreement with Ben White Architecture as drafted by Village Center's legal counsel was approved by a majority vote from the Board of Directors.

#### Special Assessment

The motion cast on February 11, 2021, to assess \$120,000 to the membership, proportionate to each member's individual percentage of ownership, due by March 31, 2021, for the purpose of funding the current year's capital work was approved with a majority vote from the Board of Directors.

#### Settlement Agreement

The Board approved the motion cast on February 10<sup>th</sup>, 2021 to approve the settlement agreement with Sydney Grant as drafted by legal counsel.

#### Loan Signatory Authorization

The Board approved the motion cast on January 27, 2021 to authorize Tim Baker to execute a loan document from Community Banks of Colorado for the purpose of re-amortizing the remaining construction loan balance of approximately \$167,636, loan number 2002306171-1.

#### Insurance Proposal

The Board approved the motion cast on January 11<sup>th</sup>, 2021 to approve the proposal from Farmers Insurance for \$37,382 annual premium.

### **2020**

#### Raw Wood Staining Bid

The Board approved the motion cast on September 20<sup>th</sup>, 2020 to approve the bid for \$10,385 from Purple Peak to stain the newly installed raw wood elements including knee braces, deck face joints, deck boards and deck supports.

#### Operating Budget and Get Bats Out Bid

The Board approved the motion cast on September 15<sup>th</sup>, 2020 to 1) approve the 2020/2021 fiscal year budget with a net income of \$2,133 and 2) accept the proposal from Get Bats Out and direct the management company to hire and schedule the bat exclusion.

#### Super-lien Settlement

The Board approved to motion cast on August 28, 2020 to take action in accordance with legal counsel advice to accept Muller's proposed payment to satisfy the super-lien.

#### Purple Peak Bid

The Board approved the motion cast on August 20<sup>th</sup>, 2020 to accept Purple Peak's bid for \$20,800 dated 8/3/2020 to complete and correct the painting issues remaining in the punch list created by CBL.

#### Resolution

The Board approved the motion cast on August 4, 2020 to approve the resolution authorizing legal action regarding the delinquent account for Axtell 310.

#### Notice of Claim

The Board approved the motion cast on July 9, 2020, to authorize Association Counsel, Mike O'Loughlin to proceed with drafting and delivery of a Notice of Claim to Pinnacle and Ben White.

#### Resolution

The Board approved by resolution on April 23, 2020, to move forward with foreclosure proceedings on unit Emmons 329.

#### Change Orders 05 & 06

The Board passed the motion passed on March 9<sup>th</sup>, 2020 to approve Change Order 05 in the amount of \$4,863 and approve Change Order 06 in the amount of \$17,452.96 submitted by Pinnacle, Inc.

#### Insurance

The Board passed the motion cast on January 9, 2020, to selection General Star's proposal for property insurance and also accepted options for Ordinance and Law A and Water/Sewer backup and declined the wind and hail deductible at \$100k in favor of a 2% deductible.

### **2019**

#### Resolution

The board approved the resolution presented in October 17, 2019, accelerating repayment of unit owner's portion of the construction loan in the event that an owner falls behind in payments by 60 or more days.

#### Loan Document Signatures and Repayment

The board passed the motion cast on August 26<sup>th</sup>, 2019 that upon completion of the 2019-2020 construction phase, Village Center Condominium Association agrees to repay Community Banks of Colorado monthly per their 5 year amortized schedule. On behalf of the Village Center Condominium Association, and related to contracts and agreements pertinent to the 2019-2020 remodeling project, Joshua Quentzel shall have signing authority.

#### Change Order 3

The board approved the motion cast on August 11<sup>th</sup>, 2019 to approve the \$4,200 expenditure ASAP so the painter can quickly adjust and abandon the 'Santa Fe Tan' color paint for the trim for a more brown in appearance color.

#### Change Orders 1 and 2

The board approved the motion cast on July 30, 2019 that approve Change Orders #1 and #2 for All Around Surfaces to apply stain to the top and underside of the decks; paint exterior green doors and door trim; and to prime, paint and install 1x4 rough faced battens to all plywood areas of the buildings at a cost of \$36,300.

#### Capital Project Assessment

The board approved the following motion cast on July 19<sup>th</sup>, 2019:

Action #1 - Repeal the special assessment for September 2019 and December 2019. Amounts paid to date by Members against these assessments shall be credited against the assessment described in Action #2 below.

Action #2 - Institute a new special assessment in the amount of \$1,500,000 with repayment options as follows:

- a. Members may choose to pay their entire outstanding assessment prior to August 31<sup>st</sup>, 2019 in order to avoid application of interest ("Loan Interest"); **OR**
- b. Members may choose to pay a "Minimum Amount" monthly based on a five (5) year loan amortization schedule of the Member's outstanding assessment as of August 31, 2019. Amounts outstanding following August 31, 2019 over time shall incur Loan Interest compounded monthly based on a "Loan Interest Rate" applied monthly to an Association loan to be issued by Community Banks of Colorado. Any Loan Interest applied shall be added to and treated consistent with the Member's outstanding assessment.
  - For any Member who fails to pay the Minimum Amount monthly (as described above), the aggregate of unpaid monthly Minimum Amount payments shall be treated as delinquent in accordance with the Association's governing documents. Any delinquency fees or interest applied in accordance with the Association's governing documents shall be in addition to Loan Interest described above.

Action #3 - Hold an owners meeting on July 31<sup>st</sup>, 2019 at 4pm MDT

#### Fireplace Flue/Chimney Test

The board approved the motion cast on July 2<sup>nd</sup>, 2019 to authorize Rick Church to conduct a test of the specified Emmons chase whereby the old flues will be removed and new flues installed.

#### Declaration Amendment

The board approved the motion cast on June 22<sup>nd</sup>, 2019 to approve and accept the amendment to the Village Center Declaration as submitted by the association's legal counsel with the adjustment to add the language "including the glass" in Section 17.2 A. (vi) and "-glass included" in Section 17.2 (vii). AND authorize the management company (CBL) to begin the amendment process per CCIOA regulations.

### Capital Project

The board approved three (3) motions cast on June 10<sup>th</sup>, 2019 as follows:

#### Motion #1:

The Village Center Board adopt the June 6, 2019 Value-Engineering budget prepared by Ben White and addressed during the Board's work session of June 6, 2019.

#### Motion #2:

The Village Center Board authorized and directed Crested Butte Lodging to oversee the 'building maintenance' portions of said project that includes, but not limited to, carpentry and painting; AND that Crested Butte Lodging shall initiate such work immediately with a completion date of September 30, 2019 or as close to such date as is possible. *(Please be advised that CBL is the agent for Village Center and is not taking on the role and/or liability of a General Contractor. CBL will be the eyes and ears and report issues that staff may notice upon inspection and cannot guarantee the quality of the carpenter and painting contractors work.)*

#### Motion #3:

The Village Center Board, by and through Crested Butte Lodging, authorize the General Contractor to begin work on the 'structural' portions of said project upon the following: receipt of proof of any and all insurance as required from the General Contractor; review of the construction contract by the HOA's attorney AND verification of sufficient funds and/or the finalization of a construction loan.

### Declaration Redline Draft

The board cast a motion on May 1<sup>st</sup>, 2019 to approve the management company to instruct Association counsel to draft a redline of the current Declaration containing recommendations for possible future amendment. For clarity, this is not a vote to proceed with amendment. This is simply to draft language the Board can review.

### Annual Meeting Date

The Board approved the motion cast on April 20, 2019, to hold the annual HOA meeting on Saturday, September 28 at 9 a.m.

### Capital Project

The Board approved the motion cast on February 28, 2019, to direct Ben White to reconfigure the capital project to be concluded within a one building season; AND That the board pursue financing with a 7 year repayment schedule.

### Fireplaces - Condemn

The Board approved the motion cast on January 24, 2019, to condemn the fireplaces in accordance with the recent chimney inspection and Fire Department review.

#### Insurance

The Board approved the motion cast on January 11, 2019, to accept the proposal submitted by Mountain West for property insurance coverage, with \$100,000 deductible on 'all other perils'

## **2018**

#### Board Appointment

Tim Baker appointed Matthew Feier to fill the vacancy on the Board of Directors, Business Unit Owners seat on December 13, 2018.

#### Rules & Regulations Amendment

The Board approved the motion cast on December 6, 2018, to amend the Rules & Regulations with restrictions to grill usage, updates to parking, hot tub usage, sign and flag display, fines and enforcement procedures.

#### Board Appointment

Tim Baker appointed himself and Chris Jarnot on November 8, 2018, to fill the vacancy following Michael Kraatz's and Ethan Mueller's departure from CBMR's employ.

#### Level 2 Fireplace/Flue Inspection

The Board approved the motion cast on October 21, 2018, that the Village Center Board direct Crested Butte Lodging to schedule a Level 2 Fireplace/Flue inspection as soon as feasible.