

BUCK CREEK CONDOMINIUM ASSOCIATION

Annual Meeting

July 3, 2020

Lawn of Buck Creek Condos, Avon, CO

Present:

Jack and Deb McBride, President (C-202)

Ken Fishleigh, Member at Large (C-104)

Kathleen and Mike Moore, Secretary/ Treasurer (C-101)

Julie Mackay and Mike Percy, Vice President (A-202)

Nate Brightwell, Member at Large (A-102)

Mark Millar, Member at Large, by phone (A-104)

Ed Clark (B-301)

Janice and John Henry (A-204)

Ken Monnig (B-106)

Bill Farris (B-101)

Bill Lodge (C-302)

Darrell Cooter (B-105)

Proxies:

Brian Poeschel (C-301)

Gordon Poeschel (A-201)

Brad Norris (B-205)

Jeff and Susan Baker (C-203)

Don Kutil (A-104)

Mike and Betty Ann Courtney (A-203)

Don Steinle (B-102)

Michael Gracek and Joan Yeager (B-105)

Doug Corbishley (B-203)

The meeting was called to order at 10:27 a.m.

A quorum of 20 was established by presence and proxies, 12 was required.

Nate Brightwell moved to approve the 2019 Annual Meeting Minutes; Ken Fishleigh offered the second. The minutes were unanimously approved.

Treasurer's Report:

Last year the operating dues were not increased. There was only the annual 6% increase to the capital reserve. This report was presented by Julie Mackay Percy. Copies of the new budget were distributed. The majority of the increase in the budget is due to a significant increase in insurance costs because of the wildfires. Julie will continue to see if there are other products that are less expensive until the policy renews in August. We also have purchased a new workman's comp policy to cover independent contractors working on our property. The premium will be less than \$500/year. There will be a 2.75% increase over last year operating budget. Each owner's prorated portion of that will be assessed by our accountants starting with the July, 2020 statement. There will also be the annual 6% capital reserve increase implemented, as well.

Manager's Report:

- We were reimbursed the approximately \$50,000 from the Clark's related to the B-301 flood. There was a confidentiality agreement signed at the time of the payment which precludes anyone involved in the dispute to talk about the settlement.
- Smoke detector, fire extinguisher and fireplace inspections were completed—owners who are not in compliance will be notified by certified letters in the next two weeks.
- After market fireplace doors still need to be replaced.
- Honey Wagon repaired the dumpster garage after they damaged it during a weekly service.
- Board approved some rule revision.
- 6 decks were replaced because 3 were not done the year before, but we got caught up- and 3 more are scheduled to be done this year.
- Reserve study to be regenerated particularly looking at painting, trees and staining the north side of the building.
- Flower bed were worked, and mulch will be coming soon.
- RFP's requesting bids are being used which is reducing costs.

- The Davy Tree district manager is coming to review our trees and give his recommendation.
- New property lights were installed to bring us up to code with Avon downlighting requirements and we replaced the existing light bulbs with energy efficient bulbs.

Nate Brightwell requested we remove the dead parts of the juniper bushes as they are a fire hazard.

John Henry asked if all owners have a water shut-off. All of A Building have water shut-offs, B & C have shut-offs inside their units.

Old Business:

- Stairs for C building- still an open issue. Brian Poeschel has been researching options for a grate versus a sky-bridge. Deb McBride would like the problem of the icy stairs to be resolved. Ed Clark would like the stairs to be closed off at the beginning of the snow season. We have looked at several options, but no valid options have been identified. Currently Ken salts and scrapes the stairs as often as necessary. John Henry proposed a metal grate at the top of the existing railroad ties on top of the stairs. Mark Millar concurs looking into the metal grate. We want something permanent and effective. To be determined.

New Business:

Skylights- the issue at hand is whether the skylights the responsibility of the complex or the owner. When the roof was replaced several years ago, one of the skylights blew off, RIGHT after the replacement. The HOA replaced the skylight due to the timeliness of the roof repair. Jack McBride feels that the skylights are no different than windows, which the homeowner is responsible for replacing. Mark Millar concurs with Jack, as does Julie Mackay Percy. Janice Henry asked if the frame or only the glass are the owner's responsibility. Julie said WINDOWS, not just the glass. Darrell commented that there was an attorney's letter and the membership agreed to take the responsibility from the period when the roof was repaired, mentioned previously. Julie says the vote was in opposition to the Declarations. Deb McBride was on the board at the time and commented that the vote was for the one-time event that occurred right after the roof was replaced. A motion was made to declare that skylights are the responsibility of the owner. Ken Fishleigh made the motion and Mike Moore gave the second. The motion passed with 4 opposed and 16 in favor. Darrell Cooter suggested obtaining an opinion from an attorney regarding whom has the responsibility. Note: the previous vote many years ago was to address a possible workmanship deficit of ONE skylight when the roof was replaced but still indicated the skylights, in general, are the responsibility of the owner.

Reserve- The capital reserve study does not have a sunset clause. It was revised in 2016. The new board will review this issue of whether to revise the study or continue with it as it currently calculated.

Budget- Eagle River Sewage has mandated an 8% per year increase for an indefinite amount of time. There was a budget overage from last year that could be rolled over to the current year. Julie moved to roll over the overage from last year to the current year operating account rather than the capital account. Ken Monnig seconded the motion. It was unanimously approved. A motion to approve the budget was made by Ken Fishleigh, Mike Moore seconded the motion. It was unanimously approved.

Chain between A&B Building-many people are trespassing from the park to the street through our lawn via the path between A & B buildings, and similarly on the east side of Building C. A plastic chain was erected between A & B Buildings by Bill Farris in B-101. According to Bill, this has substantially reduced the traffic between these buildings. Jack McBride noted that the Town of Avon is working on a remedy to the pedestrian traffic across the street, contributing to our problem. A suggestion was made that a chain be erected at the top of the stairs from the top of the stairs to the fence on the street and the east side and from the dumpster to the stairs on the west side to keep people from even descending from the street to begin with. Julie Mackay Percy expressed a concern about the hazard it might present for owners as it blocks a pathway. A motion was made by Ed Clark and seconded by Nate Brightwell to look at a remedy for unwanted traffic on the west side of the building and investigate pedestrian traffic control on the east side. The motion passed unanimously.

Management Guidance- The bylaws and rules are very clear that the board is responsible for hiring the management company to run the operations of the condo complex. Julie and Ken have done a great job in keeping the property running during the interim while we hire a new manager. We had assurances that Rock Properties would be coming on board to take over the management of Buck Creek Condos. However, we have received communications from Rock Properties that they have declined to be our management company. Jack McBride apologized profusely for not having this in place when he left his position as president, leaving it to the new board to resolve. This was, absolutely, not his intention. There is no manager in place at this time. Ken is performing many of the day-to-day task on an hourly rate and Julie is working to keep the organization going. Julie stated that part of the problem stemmed from the covid and the ensuing problems that presented. Janice Henry commented that she has concerns about using this company given their lack of availability. In May Jack asked Julie for information. She indicated that Rock Properties was not able to meet our request due to covid. On June 22nd Jack asked Rock Properties directly about their availability to meet our condo needs and was informed that they had never agreed to be part of our program and would need to start from the beginning to reach an agreement. According to Ed Clark, the Declarations (page 6, Item 15) state that if it is an owner issue, then the owners have the authority to take this into the owner's hands. Julie would like to continue to present our request to Rock Properties and contends that this is a board matter. Ed Clark presented Darrell Cooter's management contract that was presented to the board during the decision process whereby Rock Properties was thought to be hired. It was rejected at that time. There was a motion made by Ed Clark

for the homeowners take this matter into their own hands and hire Vail Mountain Real Estate as the new property manager for one year. There was a second by Mike Moore. Bill Farris disputed that the homeowners can make this change maintaining that is a board decision. Mark Millar commented that the search committee made up of board members invested a huge amount of time and effort to vet these companies and suggested that we need to go back to that process. Mike Moore commented that the HOA has the ability to vote on this but if the HOA wants the board to make this decision they should just vote down the motion. Darrell confirmed that the contract that was presented by Darrell on Feb. 24th to the search committee is the same one that was being presented today. Janice Henry feels that Darrell had done a good job previously managing the property. Julie has serious concerns with the contract that Darrell presented as well as with Darrell, personally. Jack commented that we can continue to self-manage until we get this nailed down. Mark Millar feels like this is a political mess that is extremely uncomfortable and an “end around” by members of the HOA. Jack gave some history of our contract negotiations with Darrell starting a year before. The board gave Darrell multiple chances to submit a new contract or negotiate the old one. He did not make any attempt to do so. Jack asked to amend the motion and review Darrell’s submitted contract and start negotiations rather than hiring him on the spot. Julie had more comments on Darrell’s previous performance as the property manager. Jack then withdrew his amendment. An “aye” vote gives the management of the property for one year to Vail Mountain Real Estate. A “nay” vote leaves the decision process in the hands of the board and the search committee. Mark Millar is very upset about how this was presented. Nate Brightwell maintains that the HOA should read the contract before voting to accept. The vote was 7 ayes, with proxies, and 13 nays with proxies, with Ken abstaining. Bill Farris moved that the HOA recommends that the board enter into negotiations with Darrell to rehire Vail Mountain Real Estate with a July 31st deadline. Nate Brightwell seconded. The votes were 17 ayes and 3 nays, with proxies. The decision is now in the hands of the board and the search committee to be resolved by July 31st.

Election of board members:

There are five members of the board that rotate on two-year terms. There are three positions open this year as the terms for Jack McBride, Kathleen Moore and Julie Mackay Percy all expire at this meeting. Ed Clark, Bill Farris, Julie Mackay Percy, Laura Lodge have all expressed an interest in being on the board. Jack has ballots prepared with these names on the ballot and a place for a write-in if necessary. According to the by-laws if 20% of the members present request a secret ballot it can be done. That number was met therefore a secret ballot was held. After the ballots were tallied the new board members are Ed Clark, Laura Lodge and Bill Farris. They will have a two-year term starting with this meeting. Jack McBride thanked all the members

of the board for their time and commitment and apologized, again, for leaving the property manager position open.

Meeting adjourned- Ken Monnig moved to adjourn the meeting, Mike Moore gave the second. The meeting was adjourned at 12:50 pm

Respectfully submitted by Kathleen Moore

Secretary