

MINUTES OF
REGULAR MEETING OF
BOARD OF DIRECTORS
CRESTMoor PARK (2ND FILING) HOMES ASSOCIATION
(Date: January 10, 2024)

The regular meeting of the Board of Directors of Crestmoor Park (2nd Filing) Homes Association was held on January 10, 2024, at 230 Jersey Street, Denver, CO (with additional participation by video conference) and was called to order by Andy Draper, President of the Board, at 5:35 p.m.

1. **Directors in Attendance.** Tom Deline, Mariette Bell, John Derungs, Ted Martin and Robert Brown (all in person) and Andy Draper, Jeff Burnside and Rebecca Kenny (all via video conference).

2. **Krameria Bikeway Project – DOTI Presentation.** The following representatives of the Denver Department of Transportation and Infrastructure (“DOTI”) participated in the meeting via video conference: Sam Piper (Plan Supervisor), Brett Van Cory (Design Professional), Brian Meyer (Design Engineer), and Kayla Zacharias. Mr. Piper led the initial presentation and presented previously circulated slides describing the current proposed portion of the Krameria Bikeway from 6th Avenue on the north to Alameda on the south, part of a 9.6-mile-long bikeway project, one of Denver’s longest, from Smith Rd. on the north to the Cherry Creek Bikeway on the south. Planning was commenced in 2020 with the design phase continuing through 2023. Plans are now being prepared and construction will commence in 2024.

DOTI’s stated goals for the project are to slow vehicular traffic along the bikeway, decrease vehicular traffic along the bikeway (including making the bikeway less convenient to “cut-through” vehicles), and adding signage and traffic control devices to make the bike path safe and comfortable for bike and pedestrian traffic. Mr. Piper described significant intersection improvements at 8th Avenue and 6th Avenue to the north and Alameda Avenue to the south. He noted that DOTI had responded to adverse comments and other feedback from residents along the bike path, including those in Crestmoor. He described that flexible tubing to pinch traffic mid-block had been removed through the Crestmoor section and that the flexible tubing proposed as curb extensions at multiple intersections along the bike route had been cut in half. (Mr. Brown pointed out that a pinch point appeared on the slides to remain on Kearney Street north of 3rd and 4th Avenues. Mr. Piper agreed to look into that issue and believed it was a mistake in the slides.)

In discussing the curb extensions in response to a question, Mr. Piper noted there would not be any striping on the ground. The DOTI representatives indicated that the curb extensions would “flex out” five feet from the curb (the ADA requirement being four feet) but that five feet was necessary given the rounded corners and lack of sidewalks within the Subdivision.

Mr. Piper also noted the addition of an all-way stop sign addition at 3rd Avenue and Kearney Street.

At the request of Mr. Brown, Mr. Piper will forward design drawings of the flex posts being installed along Krameria. In response to other questions, DOTI believed that the spacing of the flex posts would be 10 feet on the upstream side of intersections and 20 feet adjacent to Crestmoor Park.

In response to Mr. Piper describing the data collected by DOTI regarding traffic speeds and traffic counts along Kearney, Mr. Brown requested that such information be provided to the Board. Mr. Piper agreed that DOTI would forward that information to Mr. Draper to circulate.

Mr. Martin emphasized to Mr. Piper the difficulties created by the failure to enforce parking restrictions along Crestmoor Park especially during soccer season and that despite his complaints, cars regularly parked illegally on the curve around his corner lot at Locust and Southmoor Drive. Mr. Piper recommended that Mr. Martin (and others) report those parking issues every week using Denver's 311 service or emailing denverpocketgov.com and that repeated and multiple requests do get attention.

Following DOTI leaving the meeting, the Board discussed involvement of neighbors and providing information to particular neighbors who had worked on the bikeway project before. Mr. Deline recommended circulating to the HOA the information that DOTI is promising to send to the Board. Mr. Deline also recommended that neighbors be encouraged to contact DOTI directly with respect to concerns. Mr. Brown suggested that Mr. Draper, when contacting Members, also asks that copies of any emails also be sent to John Derungs to act as the Board's central contact for all matters relating to the bikeway proposal.

3. **Budget.** Ms. Bell summarized the proposed budget for 2024 noting the two largest expenses were security and landscaping. She indicated she was budgeting a 5% increase above 2023 actual expenses based upon expected inflation and renegotiation of contracts. After discussion, the sense of the Board was that security might increase by that amount or somewhat more. After considerable discussion, the Board recommended a greater increase for landscape services on the City-owned entry islands related to requesting additional services from Sundown Landscaping, the current vendor, to pay more attention to all of the entry islands since Denver Parks Department is not able to keep up with maintenance and mowing. Mr. Draper led a discussion about converting the entry landscapes to a more xeriscape plan including the possibility of hiring Sundown, or another provider, this year to develop a plan for the island at 4th and Locust and perhaps implementing it. The Board estimated a rough cost for such improvements at \$10,000 - \$15,000 per island.

Ms. Bell estimated the next two largest expenditures for accounting/bookkeeping of \$4,000 and legal expense related to dues collection of \$3,000 remaining approximately the same. The budget will continue to provide approximately \$2,000 for IT and website expenses of about \$2,000. Ms. Bell suggested increasing by 5% the anticipated cost of E&O insurance for the Board. After discussion, the Board determined that the increase of 5% of the approximately \$2,700 premium likely was insufficient given the significant insurance premium increases Board Members generally noted in their other endeavors.

4. **2024 HOA Member Dues.** The Board discussed at some length the current cash reserves held by the Association of approximately \$200,000. The sense of the Board was that holding such amount, including maintaining at all times a legal reserve no less than \$100,000, enabled the Board to temporarily reduce dues for 2024 from \$175 to \$150 with the goal of not increasing the existing reserve position of the Association. This temporary reduction would still permit payment the items budgeted above, allow approximately \$15,000 to be allocated to increased island maintenance costs, and permit pursuit of xeriscaping of the island at 4th Avenue and Monaco Street Parkway.

Mr. Deline made a motion (accepting a friendly amendment by Mr. Brown) that the Association would maintain a reserve for legal expenses no less than \$100,000, temporarily reduce dues for 2024 from \$175 to \$150, and that the Board pursue developing and implementing a xeriscape plan for the Association's six islands and increase their maintenance and mowing. After multiple seconds to such motion, there being no further discussion, the motion passed unanimously.

5. **Financial Policy.** Mr. Brown reported a conversation with Mr. Draper and their recommendation that Ms. Bell and Mr. Martin develop a more formal policy as to how the Association and its officers handle Association funds, how they are disbursed, what approvals are required in various circumstances, and how information about banking and financing is shared and published.

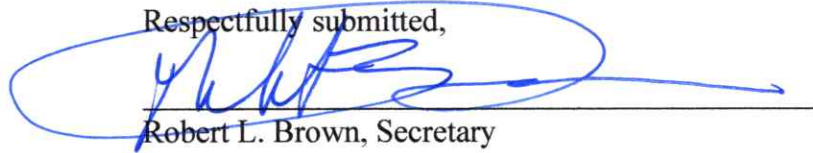
6. **Design Guidelines.** Mr. Brown briefly summarized the current history of revisions to the Design Guidelines noting the assistance and input provided by Mr. Deline and noting recently provided comments by Ms. Kenny, which were complemented by Mr. Brown and Mr. Deline. Mr. Deline discussed the proposal recently circulated to Board Members regarding underground retaining walls in the front setback and low "garden walls" demarcating flower beds and tree circles. Mr. Deline, Ms. Kenny, and Mr. Brown agreed to discuss specific recommendations and concerns related to the Design Guidelines further in the immediate future. Promptly following the next draft revisions to the Design Guidelines, Mr. Draper will schedule a meeting for the Board to provide one final review and discussion of the revised Design Guidelines.

7. **Architectural Report.** Mr. Deline led a brief discussion of the Review Architect's comments on plans for a new home at 404 Kearney including how to respond to a comment about a small flat roofed area which the Design Guidelines prohibit. Mr. Deline and Mr. Brown indicated that the plans should be approved because such flat roof component was *de minimis* to the overall plans but they also noted that the flat roof created an awkward design that the owner's architect ought to consider.

Mr. Deline briefly discussed the solar installation plans at 235 Leyden indicating the ARC had approved the plans. Mr. Deline will issue an approval letter following learning the fee from the Review Architects and the payment of that amount by the Owner.

8. **Adjournment.** There being no further business to come before the meeting, the meeting adjourned at approximately 7:15 p.m.

Respectfully submitted,



Robert L. Brown, Secretary

Approved by Board of Directors unanimous emails:

January 15, 2024

Attachment:

Exhibit A—Outside Counsel Reserve Recommendation

Exhibit A

From: [Brown, Robert L.](#)
To: [Jonah Hunt](#)
Cc: [Candyce Cavanaugh - Orten Cavanaugh Holmes & Hunt, LLC \(CCavanaugh@ochhoalaw.com\)](#); [Andy Draper](#); [Cecilia Retelle Zywicki](#); [jeffburnside@gmail.com](#); [John DeRungs \(john.derungs@avcvalue.com\)](#); [Mariette Bell](#); [Rebecca Kenny](#); [Ted Martin](#); [Thomas Deling](#)
Subject: RE: Quick question--Board Meeting today at 5:00
Date: Thursday, January 11, 2024 10:48:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Thank you for your and Candyce's thoughtful response, Jonah. It is very helpful and I will share the information with our Board.

The Board agreed to establish a minimum reserve for legal matters of \$100,000 and we are consistent with that. The Board is conservative on this matter and appreciates the value to the Association of having a sizeable reserve to forestall legal disputes.

Bob

Robert Brown

Counsel Member



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From: Jonah Hunt <JHunt@ochhoalaw.com>
Sent: Thursday, January 11, 2024 7:59 AM
To: Brown, Robert L. <rbrown@shermanhoward.com>
Subject: FW: Quick question--Board Meeting today at 5:00

Hi Bob:

Candyce was out yesterday and asked me to respond directly to you. Sorry I couldn't do so by the time of your meeting.

The size of a litigation reserve should be commensurate with the needs of the community. If litigation for an association typically consists of plaintiff county court covenant enforcement and collections actions, then perhaps \$25k would be adequate, as both actions would typically involve fee shifting in favor of the prevailing party (hopefully the association, on balance).

If litigation is anticipated against a builder or developer, we'd likely be dealing with more complex claims, with experts, and in district court. \$50k to 100k would be recommended. To the extent that a developer were to sue the association, depending on the claims asserted, there might be coverage under the GL and/or D&O policies, along with an insurer funded defense.

If funding a reserve is opposed by the membership, they should be advised that the alternative is a special assessment.

If you have any follow up questions or would like to discuss, let me know. Thank you.

Jonah G. Hunt
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From: Candyce Cavanagh <CCavanagh@ochhoalaw.com>
Sent: Wednesday, January 10, 2024 1:15 PM
To: Jonah Hunt <JHunt@ochhoalaw.com>
Subject: Fwd: Quick question--Board Meeting today at 5:00

Begin forwarded message: