

MINUTES OF
REGULAR MEETING OF
BOARD OF DIRECTORS
CRESTMOOR PARK (2ND FILING) HOMES ASSOCIATION
(January 14, 2025)

A regular meeting of the Board of Directors of Crestmoor Park (2nd Filing) Homes Association was held on January 14, 2025, at the home of Robert Brown; the meeting was called to order at approximately 5:05 p.m.

1. **Directors in Attendance.** Present in person were Rebecca Kenny, Cecilia Retelle Zywicki, John Derungs, Mariette Bell, and Robert Brown. Directors Ted Martin, Tom Deline, Jeff Burnside, and Andy Draper attended by Zoom. Julie Kronenberger, the assistant to the ARC and the Board, also participated during the early part of the meeting by Zoom.

2. **Minutes of November 12, 2024 Meeting.** Mr. Brown called to the Board's attention minutes of the November 12, 2024, Board of Directors meeting. (These minutes were unanimously approved by an exchange of emails from all members of the Board.)

3. **Report of the ARC.**

Mr. Draper asked Ms. Kronenberger if she was engaging with Mr. Deline and the review architects. Ms. Kronenberger reported she had contacted Mr. Deline and was getting up to speed with documentation requirements relating to the ARC process. She and Mr. Deline reported that final approval letters needed to be sent with respect to 280 Jersey and 295 Kearney and final bills on those homes and other projects needed to be sent to homeowners. Mr. Deline explained that he needed to follow up on billing those homes engaging in minor improvements since the fees owed were not determined until the architect had completed their work. Mr. Deline will follow up.

Ms. Kronenberger noted that the architects reported there were no plans currently being reviewed.

Mr. Deline reported receiving a voice message from a neighbor of 125 Southmoor voicing unspecified complaints. Mr. Brown noted that the builder had not taken any action with respect to replacing the raised seam metal roof and suggested that Mr. Deline send a follow-up email or letter to the builder thanking the builder for prior responses and promises of roof replacement and inquiring as to the schedule for that.

Mr. Draper asked Mr. Deline and Ms. Kronenberger as to the status of document templates for the ARC. Mr. Deline and Ms. Kronenberger will complete that task. Mr. Brown agreed to send them a copy of the current Welcome Letter that is delivered to new homeowners based upon SKLD reports of recently recorded deeds. (Sent 2/3/25.)

Ms. Kronenberger confirmed that she does receive the SKLD reports but needs a copy of the updated homeowners list. There was a general discussion as to the separate homeowner list kept on MailChimp by Mrs. Retelle Zywicki and those used for dues payments maintained by the HOA's bookkeeper, Roberta Millard. Mr. Brown recommended that Ms. Retelle Zywicki engage Ms. Millard to coordinate the separate lists.

Mr. Draper asked Mr. Brown to comment on ADUs (auxiliary dwelling units). Mr. Brown noted three areas of regulation. First, the HOA covenants limited use of lots to residential only and limited construction to one single family residence per lot (the only exception being for a separate outbuilding for "servants." Second, Mr. Brown noted the 2024 Denver ordinance modifying the Denver zoning code that now mandates residentially zoned property permit one ADU in addition to the primary residence. However, Mr. Brown explained that his review of the ordinance would not overrule the HOA covenants, which are more restrictive and that the more liberal change to the zoning ordinance is not relevant. Third, Mr. Brown noted the state legislation also from 2024 modifying CIOA (Common Interest Ownership Act) that requires homeowner associations that are subject to CIOA permit ADUs and, for public policy reasons, overrules the covenants or declarations of CIOA associations. Mr. Brown described that the Crestmoor HOA was formed in the 1940s and the fact that the HOA does not own any real estate (and so does not collect dues to maintain, operate, etc. such real estate), the Crestmoor HOA is not a CIOA association and therefore not subject to the state ordinance mandating ADUs be permitted.

Mrs. Retelle Zywicki asked that Mr. Brown send to her prior information he prepared describing the preceding so that she could fashion relevant FAQs for the HOA webpage. (Done 2/3/25.)

4. **Krameria Bikeway.** Mr. Draper complimented Mrs. Retelle Zywicki on the major efforts she has put in with the mayor's office and DOTI attempting to end or extensively modify DOTI's plans for marking the Krameria Bikeway through the subdivision with paint, signage, and bollards. Mrs. Retelle Zywicki praised the efforts of Jason Gallardo, the consultant hired by the HOA to support the Association and influence the mayor's office and DOTI with respect to the Association's position. She noted, among other things, Mr. Gallardo's past employment by DOTI, his continuing excellent relationships with DOTI, and his relationships and influence with the mayor's office. She described the meeting with representatives of the mayor's office and DOTI originating at her home and walking parts of the proposed bikeway to observe for periods of time the significant intersections of Krameria and Southmoor Drive and Krameria with First Avenue. It was clear to the group observing SUVs passing one another on these streets and at these intersections, including a fire engine attempting to negotiate a corner that the current paint narrowing the roads was completely misplaced, it fails to allow adequate room for cars to pass in opposite directions, and the DOTI contractor misunderstood how traffic flowed at First and Krameria. The sense of this group was that the DOTI situation needed a major overhaul.

Mrs. Retelle Zywicki reported a text from Mr. Gallardo on January 13 reporting that the mayor's office and DOTI were temporarily closing down the bikeway project and reexamining the existing plan and working on a different plan going forward. The mayor's office has told the contractor who is working on bikeway improvements within Crestmoor to stop work. Mrs.

Retelle Zywicki noted that she, by coincidence, met a policy advisor of the mayor at a Sunday gymnastics function for kids. As they got further into their conversation, it dawned on the policy person who Mrs. Retelle Zywicki was stating "You are that Cecelia." The Board offered additional congratulations to Mrs. Retelle Zywicki.

The Board further discussed in generalities public relations on behalf of the subdivision, continuing good relationships with the mayor's office and DOTI, seeking improved support from Ms. Sawyer's office, and continuing the involvement of members. Apparently, Ms. Sawyer's office misconstrued an email from the HOA requesting her office's assistance as one that was contemplating litigation.

Mrs. Retelle Zywicki will send out an email providing positive feedback to HOA members and reporting to HOA members the results so far of discussions involving the mayor's office and DOTI. Mr. Burnside underlined that the HOA's success with the mayor's office is because the members were organized in their approach to the mayor's office, DOTI, and Ms. Sawyer's office. He emphasized that we needed to continue to provide organization of homeowner comments as we engage with our government representatives. Mr. Draper noted that the prior administration in Denver was more concerned with getting larger "mileage" figures related to bikeway and other improvements. Mayor Johnston, on the other hand, appears to be interested in more well-thought-out projects.

The Board also commended Mrs. Retelle Zywicki on reviewing the 2017 Bond Memorandum that provides funds for Denver infrastructure improvements learning that those bonds did not specifically authorize installing street improvements such as bollards.

Mr. Draper raised other issues related to traffic through the subdivision noting particularly that traffic complaints had been addressed multiple times beginning at least as long ago as 1997 relating to traffic on First and Third Avenues and on Krameria Street. He noted a traffic study done for the HOA in 1997 and that it had little follow up. He noted particularly that traffic on Third Avenue was "tight" especially with several construction projects ongoing along Third. Mrs. Retelle Zywicki noted that now was a good time to address these traffic issues while Mayor Johnston is still in charge. She recommended traffic studies be undertaken shortly both during summer, when school is out of session, and during the school year.

The Board agreed to table this discussion and next steps regarding traffic studies until the next meeting.

5. **Finance.** Ms. Bell reported on the financial health of the HOA as of the financial statements for FYE2024 recently furnished by Ms. Millard. Dues income was approximately \$73,000. Interest income on reserves was \$7,500 in two separate accounts, each earning approximately 4% per year and which mature in 2025. All of the HOA's bank accounts are with Wells Fargo. Expenditures were consistent with past years. The largest item was approximately \$47,000 for landscaping as the HOA has taken a greater role in maintaining and landscaping the entry islands. The Board noted the island at Fourth and Monaco had been upgraded with new trees planted during 2024. The current plan is to continue improving the entry islands likely on a one-per-year basis.

Security costs were \$32,000. Several board members noted that the security patrols were not often seen within the neighborhood.

Expenses for the ARC's review architects totaled \$16,000, all of which has been or will be collected from the homeowners having their plans reviewed. Procedures were briefly discussed which might improve more quick billing to those homeowners doing minor projects not requiring a \$1,600 payment up front. No changes were made.

Ms. Bell noted the fees for the HOA's accountant, Roberta Millard, who prepared financial statements, sends out dues statements along with multiple follow ups and maintains accounts receivable and assists Mr. Brown with collecting dues from delinquent owners. Ms. Bell recommended that in recognition of the excellent services provided by Ms. Millard and because she charges relatively low amounts for her services that the Board authorize a bonus. After significant discussion, the Board unanimously approved the bonus of \$1,200 (\$100 per month).

6. **Compliance With the Corporate Transparency Act.** Mr. Draper asked Mr. Brown if the Board had complied with the CTA. Mr. Brown said "yes."

7. **Board Member Elections.** Mr. Draper noted that the terms of Mr. Deline, Mrs. Retelle Zywicki, and Mr. Burnside were expiring in 2025. All three agreed to run for reelection at the next annual meeting. Mr. Deline indicated that he was ready to pass on the chair of the ARC as of the annual meeting. The Board unanimously approved Ms. Kenny for that role.

Mr. Draper noted that neither he nor the website had received any notice of interest in directorships other than current members.

8. **Covenant Enforcement.** Mr. Burnside inquired about taking action to provide for monetary penalties against owners and contractors who failed to comply with the Covenants, the Design Guidelines, and approved plans. He recommended engaging a lawyer to engage with respect to that possibility for the purpose of increasing the opportunities for enforcement and having calculable damages for liens.

Mr. Brown will contact Candyce Cavanaugh, who has assisted the Board with HOA matters on an ongoing basis, and will direct one of his associates, James Fukazawa, to provide any research assistance with respect to these issues. (These activities are underway.)

Mr. Brown noted that because enforcement of the Covenants was available through injunctions, the right to impose fines is not necessary.

The Board briefly discussed 125 Southmoor and its continuing violation of the Design Guidelines and its previously submitted plans with its standing seam metal roof. Ms. Kenny noted that it appeared this property still needed permitting. Mr. Deline will follow up to confirm the developer's promise to replace the standing seam metal roof with the asphalt roof approved in the plans submitted by the developer.

9. **Next Board Meeting.** Mr. Draper confirmed that the next Board of Director's Meeting would be held on March 11, 2025 at a location to be determined. Mr. Draper noted that he would recommend dates for the annual meeting and move that process forward.

10. **Adjournment.** There being no further business to come before the meeting, the meeting adjourned at approximately 6:45 p.m.

Respectfully submitted,



Robert L. Brown, Secretary

February 3, 2025

Approved by the Board February 17, 2025, by
email