

**MINUTES OF
REGULAR MEETING OF
BOARD OF DIRECTORS
CRESTMoor PARK (2ND FILING) HOMES ASSOCIATION
(Date: September 12, 2023)**

The regular meeting of the Board of Directors of Crestmoor Park (2nd Filing) Homes Association was held on September 12, 2023, at 140 Ivanhoe Street, Denver, CO and was called to order by Andy Draper, President of the Board, at 5:46 p.m.

1. **Directors in Attendance.** Tom Deline, Cecilia Retelle Zywicki, Mariette Bell, Andy Draper, John Derungs, Rebecca Kenny, Ted Martin and Robert Brown.

2. **Architectural Review Report.** Mr. Deline reported on the following addresses and projects:

a. **Recent Approvals.** Mr. Deline reported that during his recent August vacation, Mr. Brown and the ARC approved plans for 50 S. Holly Street (a pop-top with no change in footprint) and 2 Ivanhoe (correction of drainage issues and replacement rear patio, new fire pit, and new fences). He and Mr. Brown reported that the owners of both properties were helpful and cooperative and the plans were submitted and approved without controversy.

b. **405 Kearney.** Mr. Deline reported that plans for a new home on this lot had been previously approved and the existing improvements had been demolished. However, the new construction appears to be on hold and the property has been dormant for many months. Mr. Draper has attempted to contact the owner; the developer, Roger Simmermon, who has been contacted by Mr. Deline in the past. A neighbor has complained to the ARC about delayed construction. Mr. Deline will send a letter to Mr. Simmermon requesting a status report.

c. **404 Kearney.** This home has been vacant for an extended period of time. Plans for new construction have previously been approved. Mr. Deline reported that new plans are in the works and the owner has requested permission to demolish the existing improvements. Mr. Deline recommends rejecting the request for demolition until the revised plans are improved and requesting that the owner continue to maintain the property. Ms. Kenny observed that the time period for Denver Building and Zoning to approve new plans is now approximately 300 days. Mr. Deline will notify the owner that demolition cannot commence until plans have been approved by the HOA.

d. **Timing of Demolition – Change to Design Guidelines.** Ms. Kenny suggested modifying the Design Guidelines to prohibit demolition of improvements on a lot in connection with planned new construction until no sooner than 60 days prior to commencement of construction. After substantial discussion, it was the sense of the Board that such change

should be adopted into the pending revision to the Design Guidelines now being redrafted by Mr. Deline.

e. **125 Southmoor Drive.** Mr. Derungs reported that no-parking signs have appeared in front of 125 Southmoor, a vacant house. Another Board Member noted street markings locating utilities in front of 125 Southmoor both of which suggest demolition planned by the current owner, Ryan Yoffe. Mr. Deline with the consent of the Board will prepare a letter to the architect with respect to new construction on this property notifying him that although plans have been conditionally approved, no demolition or other construction can take place until the Compliance Agreement is completely executed.

f. **5801 E. 3rd** The Board generally discussed the problems with demolition of existing improvements prior to plan approval, failure of the owner, Ryan Yoffe, and the architect to execute the Compliance Agreement following tentative approval of the plans. The Board discussed neighbors' concern with location of the planned home and side setbacks and another neighbor's concern with height. The Board discussed the lot owner's sending registered letters to the adjacent neighbors each of which envelope was empty. Mr. Deline reported that during the summer he contacted the architect, Brian Gunn, regarding the failure to provide plans to the neighbors and the misrepresentation in Mr. Gunn's letter that plans had been provided. Mr. Yoffe subsequently hand delivered plans to the neighbors as required.

Mr. Deline reported that despite such concerns, once the Compliance Agreement is fully executed, the owner may commence construction. Mr. Brown voiced the concerns of neighbors and his own that the grade of the property appears to have been raised approximately three feet without showing such improvements on the plans. He noted that the home was two and one-half stories and its height probably was barely within the City height requirement of 35 feet. Mr. Brown was concerned that Mr. Yoffe may attempt to have the 35 foot height setback measured from the new fill level rather than from the historic height along the property lines with the neighbors. Ms. Kenny and Mr. Deline will work together to alert the City to these issues.

Mr. Brown also noted the concerns of a neighbor that it appears the staking on the lot appeared to locate the foundation closer than eight feet to the side lot line which would violate setback restrictions. Mr. Deline has circulated a draft letter to the Board to be sent to Mr. Gunn requesting confirmation that the home will be built in compliance with the approved plans and within the Denver prescribed building envelope. Mr. Deline will send the letter to Mr. Gunn Wednesday morning and follow up with a telephone call. Mr. Brown emphasized the need for quick action.

g. **245 Ivanhoe.** Mr. Deline reported that a neighbor reported apparent demolition and new construction in the front setback of 245 Ivanhoe. Mr. Deline has sent a cease and desist letter to the owner. Mr. Martin reported knowing the owner and indicated that it was likely the owner was simply unaware of the requirements of the Covenants.

h. **Additional Concerns Re: 5801 E. 3rd Avenue and 125 Southmoor.** In response to Board Members' suggestions of contacting Mr. Yoffe directly and possibly having a meeting with Mr. Yoffe and his architects, Mr. Deline recommended that he continue to work

through the architects on the two proposed new residences as the initial contact. He will immediately send letters to both architects and follow up immediately with telephone calls. Mr. Brown emphasized the importance of the architects confirming the commitment to honor setbacks.

3. **Financial Report.** Mr. Draper described a neighbor contacting him regarding the possibility that the Association reserves were unnecessarily high. Mrs. Retelle Zywicki noted that funds would be needed to increase security patrols in response to Members' concerns voiced at the last annual meeting and to improve the entry islands as to which Denver, the owner of the islands, were letting fall into disrepair. Mrs. Retelle Zywicki also reported prior discussions regarding financing social events for the HOA as well as maintaining a litigation reserve fund, especially in light of current issues with proposed new construction and possible disputes with owners who appear to flaunt the HOA covenants.

The Board discussed the low rates of return on the reserve funds held by the Association. Mr. Draper noted that Mr. Martin had circulated an email to the Board recommending some available bank accounts that might earn as much as approximately 5% per year. Mr. Deline recommended that Ms. Bell inquire of Wells Fargo, the current banking institution used by the HOA as to better investment vehicles than current. Mr. Brown moved to have Mr. Martin and Ms. Bell review and recommend new or different accounts and report to the Board. Mr. Draper seconded the motion which passed unanimously.

Mr. Brown next moved that the Board appoint a Social Committee comprised of Mrs. Retelle Zywicki and Ms. Kenny to investigate social activities the HOA could sponsor for its Members and report back to the Board. Ms. Bell seconded the motion which was approved unanimously.

Mr. Martin asked for a discussion as to the necessity of the substantial increases in the reserve accounts over the last several years and in particular whether the Association had insurance. Mr. Draper reported that since the HOA owned no real property, the only insurance was errors and omissions insurance for the Members of the Board. The other big current expenses were for island landscaping and maintenance and for security patrols.

The Board discussed whether funds should be used to scan records. The Board discussed records retention policy, maintaining paper records, or digitizing records. After substantial discussion, Mr. Draper recommended and the Board agreed to put these policies and recommendations on hold for the time being.

4. **Replacement Review Architect.** Mr. Draper reported that Bob Hickman, the current Review Architect, was planning to retire from his role as Review Architect effective October 31, 2023, the date his E&O insurance policy would terminate. Mr. Deline reported that Mr. Hickman recommended as his replacement Ann Qualick. Ms. Qualick had been the architect on several major projects in Crestmoor and that her submissions were always on point with no issues. She reviewed the requirements of the Covenants and Design Guidelines and the plans were always in complete compliance. He noted that Ms. Qualick is President of the Association for the Denver Country Club area, presents well, and has discussed the job requirements with Mr. Hickman. Ms. Qualick has suggested a proposals including fee structure.

Mr. Deline and Mr. Brown noted that the flat fee she would charge for a new construction project would be \$1,600 which implied a very significant amount of time for what in most cases should be a relatively short process based on her hourly rate of \$148. Mr. Deline will follow up with Mr. Hickman to determine what an appropriate amount of time typically he spends on such a review. Mr. Deline believes that Ms. Qualick does not understand the abbreviated nature of the review process. Mr. Deline will continue to follow up. Ms. Kenny may have additional architect contacts to suggest to Mr. Deline.

Mrs. Retelle Zywicki moved to have Ms. Kenny replace her as Vice Chair on the Architectural Review Committee. Mr. Martin seconded and the Board approved unanimously. Mrs. Retelle Zywicki will continue her work with the Association's web presence and her new role on the Social Committee.

Mr. Brown suggested that the Board suitably recognize Bob Hickman's departure and his many years of contributions to the HOA. The Board agreed and Messrs. Deline and Draper will arrange a suitable thank you and gift.

5. **Security**. Mr. Draper briefly summarized the history with Securitas, the company currently providing security services for Crestmoor. The Board expressed the general sense of the community that it would value more patrols which might be an appropriate application of the funds raised from last year's dues increase. Mr. Deline emphasized that in the past, the security service, Covenant Communities, paid particularly close attention to construction sites in the Subdivision and made a point of workers and material suppliers knowing that there was a patrolling security service. The Board discussed generally appropriate times for possible additional patrols. Mrs. Retelle Zywicki reported on suspicious lights and use of Crestmoor Park after dark and that the security patrol should be paying attention to that. Mr. Draper reported that he would follow up on these issues.

Mr. Draper next thanked Ms. Bell and Mrs. Retelle Zywicki for their efforts in bringing the fraught Securitas billing up to date and improving the billing process.

6. **Islands Update**. Mr. Draper reported on the condition of six islands at the entries to the Subdivision and the island between 1st and 3rd on Locust Street. He noted that the HOA had limited ability to act because the islands were owned by the City and managed by Denver Parks. He mentioned that the City was in the process of changing park practices to decrease water usage. Mr. Draper reported that he told the Parks Department contact that the HOA would pay for additional maintenance services, another promised use of the increased dues amount. Mr. Draper noted that all of the park areas in the Subdivision needed attention and that he would engage the HOA's contractor to clean up all of the parks, especially the park at 2nd and Locust and is in the process of getting a quote.

7. **Speeding on Krameria Street and 3rd Avenue**. Mrs. Retelle Zywicki reported on the high speed of traffic through the Subdivision on these routes and suggested the possible need for a stop sign on 3rd Avenue at Kearney. Mr. Deline described a prior traffic study undertaken by the City approximately 20 years ago that did not, generally, confirm the reports of excessive speed in the Subdivision. Mr. Derungs recalled that the cost of a private traffic study undertaken by the HOA was approximately \$3,000.

The Board discussed possibly contributing to improving Crestmoor Park by completing the sidewalk project along the north end. Mr. Draper noted the City ran out of bond financing to complete the project of adding new, concrete sidewalks through the park and there is a long section of badly worn, narrow asphalt pavement in the north area of the park as well as an unfinished replacement of the old asphalt adjacent to the tennis courts.

8. **Annual Meeting.** Mr. Draper noted that he, Mr. Derungs, and Mr. Brown would be up for reelection to the Board.

The Board generally discussed the choice between a Zoom meeting, an in-person meeting, or a hybrid meeting. Mr. Draper noted that member participation at the most recent annual meeting which took place entirely as a Zoom conference was lower than personal attendance at Annual Meetings in past years. The Board suggested this was probably attributable to differences in age cohorts with older Crestmoor homeowners more likely to attend in person meetings rather than Zoom meetings and that the older cohort would likely skew toward increased attention to attending meetings. Mr. Draper noted that having total or partial participation by Zoom would make it much easier for third parties, such as political candidates and representatives of the Police Department and Securitas to attend.

After further discussion, the Board determined to schedule the next Annual Meeting in late spring and that it be held in person, most likely at Temple Emanuel as in past years. This would not preclude attendance of third parties by Zoom if facilities were available.

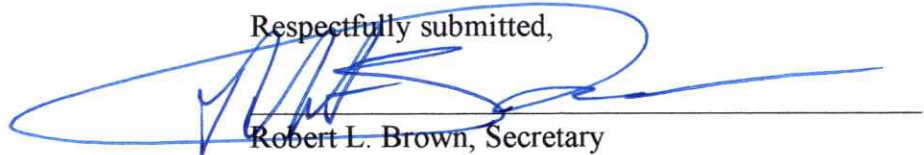
Mr. Brown encouraged the Board to hold the next Board meeting sooner rather than later especially in light of the difficult ARC issues confronting the Board as discussed above.

Mr. Draper and Mr. Brown briefly referred to the need to complete the revision to the Design Guidelines and to Mr. Brown's revisions to the Bylaws previously adopted by the Board.

9. **Annual Dues.** The Board deferred discussion on a temporary "dues holiday" or a reduction in the annual dues amount.

10. **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:

By Emails 10/20, 2023

Attachment:

Agenda