

**MINUTES OF  
SPECIAL MEETING OF  
BOARD OF DIRECTORS AND ARCHITECTURAL REVIEW COMMITTEE  
CRESTMoor PARK (2<sup>ND</sup> FILING) HOMES ASSOCIATION  
(November 12, 2024)**

A special meeting of the Board of Directors and Architectural Review Committee (“ARC”) of Crestmoor Park (2<sup>nd</sup> Filing) Homes Association was held on November 12, 2024, at the home of Rebecca Kenny; the meeting was called to order at approximately 5:10 p.m.

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

2. **Minutes of November 4, 2024 Meeting.** Mr. Brown called to the Board’s attention minutes of the November 4, 2024, Board of Directors meeting that had been circulated approximately one week earlier. There being no discussion, Mr. Deline moved that the minutes be approved. The motion was seconded by Mrs. Retelle Zywicki. The motion passed unanimously.

3. **Report of the ARC.**

a. *125 Southmoor Drive.* Mr. Deline discussed the installation by the owner/contractor of a metal seam roof in violation of the HOA Covenants and the owner’s plan approval and Compliance Letter. Mr. Deline contacted the owner’s architect about this improper change in materials, and the architect expressed surprise, implying this was a field change by the owner/contractor. Subsequently, the owner and his architect indicated that the standing seam roof was installed on a temporary basis only and would be replaced by the shingled roof as described in the plans as previously submitted to and approved by the ARC.

Mr. Deline will send a copy of the recorded Notice of Noncompliance to the owner confirming the Board’s understanding that the roof is temporary and intended by the owner to be replaced. Mr. Deline reported that he understood he was to receive from the architect a revised plan showing the shingled roof that may also have some metal seam accents for review by the ARC.

Several Board members, especially those with experience in the design and real estate industries, expressed skepticism as to the owner’s intentions.

b. *Additional Plans Review/Billing.* Mr. Deline noted receipt and approval of plans and that the required fee had been collected. Mr. Deline asked Ms. Bell to pay the fee to HQ Architects.

Mr. Deline noted that plans for improvements were being submitted by the owners of 280 Jersey Street and 295 Kearney Street. The homeowners have not yet been billed for the required fees. Mr. Deline asked Ms. Kronenberger to follow up on those three matters as she develops a billing protocol to interface with HQ Architects. Mr. Deline also noted plans were anticipated with respect to a backyard, inground swimming pool at 250 Jasmine Street.

Mr. Deline noted that there was only minimal activity during the fall, with respect new construction and remodels and that this was a typically “quiet” period of the year for such activities.

c. *Julie Kronenberger.* Ms. Kenny asked Ms. Kronenberger to introduce herself to the Board and briefly share her education and professional development experience. Ms. Kronenberger attended Colorado College (where she and Ms. Kenny met) and received a Bachelor of Arts degree in fine art. She has been employed since then as a legal assistant for various lawyers and law firms. She chose to become self-employed about four years ago providing legal assistant services to multiple law firms and others simultaneously.

Mr. Draper welcomed Ms. Kronenberger and stated his recommendation for priorities of her assisting the HOA – converting the ARC process to electronic/online only rather than paper and, as requested by the ARC, converting certain open and recent files from paper to electronic. Ms. Kenny noted that Ms. Kronenberger has provided assistance in creating electronic protocols and document storage with respect to the recent submission for the extensive remodel of 90 Locust Street.

Mr. Brown and Mr. Deline noted that there probably was only limited value in converting ARC files that have been closed as construction has been completed.

d. *Making Plan Submission Process More Proactive.* Mr. Deline noted that the ARC needed to develop mechanisms to identify homes that were undergoing remodels or replacement and to contact owners who have not submitted plans for such activities up to that point. Mr. Brown described the information that he, Mr. Draper, Ms. Millard, and Ms. Bell receive from SKLD on a quarterly basis reporting new deeds showing property transfers within Crestmoor. Ms. Kenny suggested that in addition to Ms. Millard sending a “Welcome Letter” following every closing, that the ARC (Ms. Kronenberger?) follow up at intervals several months following the date of the recorded deed to inquire about possible construction plans.

Mrs. Retelle Zywicki noted the need to undertake updating the Association’s email list of homeowners. Ms. Kronenberger could also do that in connection with following up with new owners. Mr. Brown suggested that Ms. Millard could request title closing agents to request email contact information from new owners.

Mr. Draper suggested following the lead of a broker acquaintance who monitors death notices in an effort to identify prospective property transfers. This also might be added to Ms. Kronenberger’s responsibilities.

The Board agreed that the SKLD reports should be generated monthly, and Mr. Brown agreed to implement that protocol. (This was accomplished within several days of the Board meeting, and SKLD is now sending monthly reports; Ms. Kronenberger's name has been added to the SKLD distribution list).

Mr. Deline recommended that the SKLD process remain as is but with greater frequency and with copies to Ms. Kronenberger as described above. The Board agreed unanimously.

e. *Input from Securitas.* Mr. Brown suggested also that Mr. Draper contact Securitas to request that its personnel report to the ARC lots where trees have been protected by fencing (possibly in advance of demolition) and dumpsters parked in the street (which may indicate planned construction).

f. *"Black Magic" – 6200 Kearney Street.* Ms. Kenny reported the homeowners submitted a plan to repaint their home in black monochrome. Ms. Kenny opined that she saw no reason for the ARC to object. Mr. Deline noted the requirement that the owners notify neighbors of repainting as required by the Design Guidelines and that neighbors probably cannot say "no" to the proposed repainting. Mr. Brown noted that the Covenants and Design Guidelines do not provide clear standards with respect to limitations on color choices, and he also suggested that if all abutting neighbors objected to the color, the ARC and Board may need to take some action.

Ms. Kenny believed the color choice was acceptable and also that the ARC needed proof of neighbor notification. Mr. Deline asked Ms. Kenny to have the homeowners contact all abutting neighbors and get receipts, whether by email or on paper. Mr. Deline offered to provide language for such notifications.

g. *Compliance.* Mr. Derungs noted that most neighbors want to comply with the Covenants and the plan submission process. Mr. Draper emphasized that an important part of the Board's discussion is how to respond to "bad actors." Mr. Deline noted that recording a "Notice of Noncompliance" would be adequate in most cases because it would affect the owner's ability to sell the property or finance/refinance the property. Mr. Brown noted a one-year statute of limitations in Colorado regarding the enforcement of private covenants such as these. Mr. Burnside suggested providing fines for violations even if the Board never imposed them. He also noted that it would be very difficult to prove damages (as legally defined) for violating the plan submission process. The several lawyers on the Board noted that that enforcement would need to be by a court order in the nature of an injunction.

Mr. Draper suggested continuing this discussion at the next Board of Directors meeting currently scheduled for the first week in January. Mrs. Retelle Zywicki raised the issue that some neighbors may believe that the Covenants and Design Guidelines are not enforced uniformly. Ms. Kenny agreed that some enforcement was required. Mr. Burnside suggested a third-party legal opinion regarding the ability of the HOA to impose and enforce fines where that power was not specifically granted to the Association. Mr. Brown reported some persuasive secondary legal authority that affirmed such an inherent power in homeowner associations and

agreed to follow up with a lawyer previously engaged by the Board, Candyce Cavanaugh regarding the fine imposition possibility.

4. **Traffic; Securitas; Krameria Bikeway.** The Board next addressed DOTI's plans for the Krameria Bikeway and related traffic concerns. Mr. Draper noted the acceptability of an additional stop sign at 3<sup>rd</sup> and Krameria. Ms. Kenny called to the Board's attention examples of bollards installed at various intersections related to bikeways in other parts of the city. Mr. Brown reported his contact with a lobbyist, Jason Gallardo, who might be able to assist. Mr. Gallardo was recommended to Mr. Brown by a lobbyist who is active in the state legislature but not in the City and County of Denver. The Board approved negotiating with and hiring Mr. Gallardo to assist. Mr. Brown added that Mr. Gallardo told him that he knows the DOTI supervisor well and believes he can work with him. Ms. Kenny emphasized the need to proceed quickly.

The Board also suggested that a subcommittee of the Board, including Mrs. Retelle Zywicki, be formed, which might include non-Board members such as Jay Breese, Ilene Warnike, and Josh and Annie Hatter

There being no additional discussion, Mrs. Retelle Zywicki moved that the Board approve the new committee and that it hire Mr. Gallardo. The motion was seconded by Mr. Deline and approved unanimously.

Mr. Draper called the Board's attention to an email from Andy Simpson reporting that his analysis of statistics from DOTI showed speeding within the subdivision was not an issue and there was a possible issue with traffic volume.

5. **Finance.** Mr. Draper reported that the HOA held approximately \$200,000 in liquid assets and that expenses for 2025 likely would increase because of increased spending on landscaping at the six entry-islands. He asked the Board whether annual dues should remain at \$175 per home or continue the temporary reduction to \$150. Ms. Bell noted the need to maintain a significant reserve in the event of litigation related to homeowners not complying with ARC and Design Guidelines requirements. Mrs. Retelle Zywicki noted the need to negotiate a fee arrangement with Mr. Gallardo including having some of the compensation be incentive based. Ms. Bell reported the current security expenditure was approximately \$2,600 per month. The general consensus of the Board was to continue dues for 2025 at \$175 per year, especially in light of the need for a substantial litigation reserve. There being no further discussion, Ms. Kenny moved that the annual dues for 2025 continue at \$175 per year. Mr. Martin seconded the motion. The Board approved the motion unanimously.

6. **Compliance With the Corporate Transparency Act ("CTA").** Mr. Brown discussed the federal legislation known as CTA and that the Association, even though non-profit, needed to comply. Compliance would mean filing a short online report identifying the Association with an agency of the U.S. Treasury Department. In addition, each of the Directors would have to submit basic information as contained on driver's licenses or passports. Mr. Brown suggested that the Board engage Sherman & Howard to make such filings, noting that a legal assistant was currently doing such work fulltime for multiple firm clients. After brief

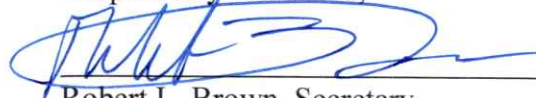
further discussion, the Board agreed to proceed with Sherman & Howard filing the CTA forms as described. This filing was completed during the following week.

7. **Security.** Mr. Draper briefly raised issues previously discussed as to possibly having security cameras installed at the island entries. The Board did not reach any consensus in prior discussions, and Mr. Draper recommended postponing further discussion until 2025.

8. **Auxiliary Dwelling Units ("ADUs").** Mr. Draper asked whether ADUs were permitted within Crestmoor based upon recent legislation expanding that requirement. Mr. Brown described that the newly adopted state legislation did not include Crestmoor within its ambit because Crestmoor is not a CIOA homeowners association. The Covenants, with very limited exceptions for live-in employees, do not permit detached ADUs. No further action is required at this time. Mr. Brown suggested that the Board keep in mind that members of the Crestmoor Community may raise questions relating to ADUs, and it would be advisable for the Board to have a policy.

9. **Adjournment.** There being no further business to come before the meeting, the meeting adjourned at approximately 6:40 p.m.

Respectfully submitted,



Robert L. Brown, Secretary

Approved unanimously by email

December 19, 2024