

## **GORE TRAIL AT WILDERNEST BOARD OF DIRECTORS MEETING – July 9, 2005**

The Board of Directors of the Gore Trail at Wildercrest Homeowners Association (HOA) met on Saturday, July 9, 2005, at the Gore Trail Clubhouse. Directors Pat DeFazio and Howard Gueck were present and Director Rob Kilgore attended via teleconference. Mr. Gueck also held Director Larry Strattan's proxy who was absent and excused. Pat Rice and Mike Harrison represented Wildercrest Property Management (WPM). Bob Greenly and Jon Raymond of Robert J. Greenly & Associates, Inc. (RJG) and Ed Storako of Excellent Construction (EXC) attended the first portion of the meeting, as indicated below. President Kilgore called the meeting to order at 10:06 a.m.

### **RECONSTRUCTION UPDATE**

Mr. Greenly reported as follows:

- Mr. Raymond is meeting with Mr. Storako on site daily or every other day and RJG believes progress is now moving along quite well and on target for an October 1<sup>st</sup> finish of the reconstruction.
- Copies of these daily communications will be given to the HOA at the end of the project.
- Initial issues with the permit have almost all been resolved; the County had required that sign offs be obtained to close the old permit and then a new permit be issued for the current scope of work.
- This delayed getting inspections and progress at Building 6 per the preliminary work schedule.
- The preliminary work schedule is no longer applicable, and EXC must have allowance to work wherever it is deemed necessary in order complete the project on time.
- EXC will provide a two-week work schedule on a weekly basis, which is subject to change, and accurate predictions cannot be made as to where work will take place beyond that time.
- All sign offs except Fire mitigation have now been procured to get the old permit closed.
- Landscaping is not tied to the old permit and will be discussed separately.
- Patti Maguire of Fire mitigation had walked the site and marked approximately thirty-three (33) trees and a significant amount of brush that had to be removed, the majority of which was located on the south side of the property in the open space behind Buildings 5 & 6.
- Two proposals were obtained to address Fire mitigation requirements: one from A Cut Above Forestry and one from Alpine Tree Services. The proposal from A Cut Above was recommended, as they would use a crane to lift the trees out rather than wench them up past the buildings.
- Permanent Certificates of Occupancy will be issued as soon as the Fire mitigation sign off is obtained.
- There are no pending change orders at the current time, nor are any change orders anticipated.

Subsequent discussion included the following issues and directives:

**Fire mitigation** – Mr. Kilgore noted that the costs to meet fire mitigation requirements, although an unavoidable expenditure, were not included in the preliminary budget for the reconstruction.

**RESOLUTION: Upon motion made by Mr. Gueck, seconded by Ms. DeFazio, and unanimously carried, the Board approved the bid from A Cut Above Forestry for \$7356.00 to remove trees and brush per Fire mitigation requirements.**

**Accident Report** – There was an incident on site on Saturday, June 25, 2005, at Building 5, which involved a piece of lumber hitting a guest on the head and resulting in stitches. Mr. Storako had exchanged contact information with the guest, Alex Adams, and agreed to pay for the medical expenses. Discussion followed as to the circumstances surrounding the incident and included the following:

- Mr. Storako must take a firmer line allowing access and special favors on site.
- A realtor had brought two clients into Building 5 on Friday, July 8<sup>th</sup>, although owners had been notified and the website indicated that access was denied to that building.
- Occupants and guests repeatedly ignore the signage and fencing and enter the construction zones on the property.
- RJG believed the property was properly posted with signage and fencing, but agreed to walk the property after the meeting and give directives on additional measures.

- The HOA's attorney was drafting a waiver for Mr. Storako to have signed by anyone entering a construction zone.

The Board directed that a waiver must be signed by anyone entering a construction zone on the site. If access is denied to a building, it is preferred that no one enters it whatsoever. Mr. Storako will have waivers on site, and WPM will have waivers at their front desk, which is open during the weekend. The realtors and owners of units currently listed for sale should be contacted directly about this provision. Mr. Kilgore will amend his letter to the real estate community to include this proviso.

**Unit Access & Owner Communications** – Because of the change in the work schedule requirements, owners should be advised in the next communiqué that:

1. Long-range information regarding building access will not be available.
2. Schedule updates will cover only the current two-week period.
3. Owners should not make any plans to use their units until the construction is completed.
4. The clubhouse will be closed until the end of the construction.
5. Waivers must be signed to access construction zones, and realtors should be notified of this requirement.

**Financial Matters** – RJG had approved EXC's second draw request of \$186,954.04 for a total paid to date of \$311,226.24 with \$26837.16 held in retainage. Ed Storako is to provide A Letter of Credit, which will be issued Monday or Tuesday and delivered to the office of the HOA's attorney.

**Portico Design** – Mr. Gueck suggested the portico design again be reviewed and a simple post and light design considered if it would significantly cut costs. These saving could potentially offset the costs to meet fire mitigation requirements. Mr. Storako will look at the framework costs and email the Board by next weekend.

Mr. Greenly and Mr. Raymond left the meeting at this juncture.

#### **Owner Requests**

- Of the numerous owner emails and phone calls related to the reconstruction, several had expressed surprise at the scope of the construction on the property. Once observed, most understood the notifications about usage and access. Several were complimentary of the website and updates being issued, and one owner wished to convey to the Board their appreciation for the extra care that had been taken with respect to owners' investments and their personal property inside the unit.
- One owner had recorded in phone calls and emails their dissatisfaction with the notifications received and with using the website as the primary means of communication; they had stated that owners had not been given enough advance notice of the scheduled reconstruction and the impact on unit access. The Board noted that numerous letters, notices, and broadcast emails had been sent since settlement was reached in September of 2004 describing the reconstruction process and site work in detail. The matter had been referred to the Board's attorney, who would respond to the owner should further communications intimating legal action be received.
- One owner had requested the HOA cover the cost of replacing the hardwood floors in the unit as the problems stemmed from water damage on the south side of the unit. Mr. Storako had investigated and reported the problems were not due to water intrusion from the exterior but issues with the initial installation. It was confirmed that there had been no reports of this problem during the litigation. The Board reiterated that only items on the February 2004 punchlist submitted in the litigation would be included in the scope of punchlist repairs.

**RESOLUTION: Upon motion made by Mr. Gueck, seconded by Ms. DeFazio, and unanimously carried, the Board resolved not to pay for the repairs or replacement of the hardwood floors in Unit 5B5 and to notify the owner that he would be responsible.**

- Ms. DeFazio asked when the walls would be marked in Buildings 1-4 to denote work areas, as had been stated in a previous notice to owners. Mr. Storako stated this would be done by July 13<sup>th</sup>.

## **FIRE SPRINKLER SYSTEM REPAIRS**

- Repairs per contract with Above the Rest Fire Protection were completed and passed inspection by Steve Skulski of Lake Dillon Fire & Rescue, who had issued his final approval for CO's.
- Mr. Skulski had also required additional hangers be installed in the crawlspaces to separate the CPVC pipes from the heating pipes before he would sign off on repairs, and EXC had installed these hangers at no charge to the HOA.
- Repairs of approximately half a dozen leaks found after the systems were recharged were all completed with the exception of a leak from a deck sprinkler at 1B4 just reported by the owner.
- Escutcheon plates and/or extensions around sprinkler heads noted on the annual inspection would be installed in conjunction with the punchlist repairs per building.
- Crawlspace repairs under 2A3, i.e. replacing the CPVC pipe painted with an oil base product by the contractor doing restoration after the fire, were completed at a cost of \$8675.00. Mr. Storako was requested to give Mr. Kilgore a written report on this issue.
- Mr. Skulski needs to be contacted to clarify when the next annual inspection of the system must be done.
- Mr. Gueck noted that the furniture had not been put back in place in his unit following the repairs, and Mr. Storako stated he would check all units to confirm the status and furniture placement as soon as possible.

Mr. Storako left the meeting following this discussion.

## **LANDSCAPING**

- A meeting had been held on site June 4, 2005 with Landscape Committee members Larry and Marlene Strattan, Tim Glasco of Neils Lunceford, and Pat Rice, Mike Leavens, and Mike Harrison from WPM.
- A plan of action was adopted and reported to the Board including the following:
  1. Neils Lunceford would evaluate the irrigation system to identify if it could be used to supply irrigation behind the carports for a verbal cost estimate of \$800 to \$1000.
  2. This evaluation could not be scheduled until the week of June 20<sup>th</sup>.
  3. Mr. Glasco was authorized to proceed with a count of current viable plantings and provide a proposal to install plantings needed to meet the County's requirements and irrigation to the area behind the carports.
- Since that meeting, and to expedite the process, Mr. Harrison had investigated the irrigation system and presented a proposal to install a new supply line from the clubhouse to irrigate the areas behind the carports.
- The Board via email approved the proposed cost estimate of \$3850 to \$6770, with the variance due to uncertainty as to how many lines and parts could be used from the existing system and how many new plantings would be needed. Work would begin as soon as supplies were procured.
- WPM had dug up 30-31 trees identified as potential fire mitigation issues around the buildings and walkways and had replanted them behind the carports per the Board's emailed approval. Some trees were in shock, but it is believed the majority will survive. These are now being watered by hand using a deep root watering attachment.
- A teleconference with the Strattan's, Mr. Kilgore, and Ms. Rice will be scheduled to clarify the point of communications with the County in order to expedite resolution of this issue.

## **MANAGEMENT REPORT**

Mr. Harrison will present a cost proposal to treat the noxious weeds on the property via email for Board approval. He also noted that although there had been a slight increase in trash pickup needs on the property at the earliest stage of construction, EXC was doing an excellent job cleaning and maintaining the construction site, even using magnets to pick up nails.

## **FINANCIAL REPORT**

- As of May 31, 2005, assets totaled \$1,581,787.30, of which \$1,440,351.25 was held in Special Reserves. With total liabilities of \$155,286.51, net equity was \$1,426,500.79.

- There was only one delinquency on the report and this unit was still in arrears as of July 8<sup>th</sup>. The account would be transferred to the attorney, if necessary, to pursue collections as per the Board policy in these matters.
- Since the Association has taxable income due to the interest on settlement monies, a CPA firm, instead of WPM, was preparing the tax return. The accounting fees would be more than offset by interest earned.
- Mr. Kilgore is going to contact Attorney Carrie Rodgers regarding questions about her last billing. Ms. Rodgers will also be attending a settlement conference between Wickes' and Emers' attorneys on the HOA's behalf.
- It was clarified that the contract with RJG for project coordination was for a flat fee of \$45,000 due on January 1, 2006.

#### **OTHER MATTERS**

**Clubhouse Amenities** – The goal is to have the previously approved amenities for the clubhouse, a pool table, TV, and bar stools, installed by the time construction is completed and prior to the announced meeting with realtors. To that end, Mr. Harrison should prepare a cost estimate for the mounting rack and wiring for the TV, Ms. DeFazio will look for a used pool table, and Mr. Kilgore will look for a TV and bar stools.

**SB 100** – The new Colorado statute pertaining to homeowner's associations was signed by the Governor in June, and the majority of the provisions will go into effect in January 2006. Most of the new requirements regarding notifications to owners will be met using the HOA's website provided by WPM. The HOA would also be required to have a review of accounts, and possibly an audit, every two years. Tobey & Toro, P. C., the Association's HOA attorneys, had sent a summary of the new provisions and were also offering a free workshop to clients on Tuesday, July 12<sup>th</sup>. Ms. DeFazio will try to attend this workshop.

#### **Approval of Minutes**

**RESOLUTION:** Upon motion made by Ms. DeFazio, seconded by Mr. Gueck, and unanimously carried, the minutes of the April 30, 2005 meeting were approved as prepared.

**Next Meeting** – The next Board meeting was scheduled for Sunday, August 14, 2005, at 10:00 a.m. at the clubhouse.

#### **ADJOURNMENT**

**RESOLUTION:** Upon motion made and duly seconded, the meeting adjourned at 12:15 p.m.