

Record of Proceedings

Minutes of the Annual Meeting of the Homeowners of Eagle River Commercial Center Condominium Association PO Box 8395, Avon, CO 81620

February 2, 2023

The Annual Meeting of the Owners of the Eagle River Commercial Center Condominium Association was held at 3:15pm, February 2, 2023, in the conference room of Unit 802 at 770 Lindbergh Drive, Gypsum, Colorado 81637, in accordance with the applicable statutes of the State of Colorado.

Attendance

Owners

- Jill Warner, Owner #109
- Robert Warner, Owner #101, 102, 105, 109, 110, 112, 113, 116, 201, 202, 205, 206, 301-303, 307, 309, 313, 401, 403, 404, 507, 508, 607, 608, 700, 803-805
- Hugh Schmidt, Owner #406
- Johnny Cross, Owner #407
- Shane Dickman, Owner #802
- Patrick Bourke, Owner #603
- Greg Kass, Owner #606
- Eric Moberg, Owner #501
- Rob Graef, Owner #314
- JD Werkmeister, Owner #604, 605
- Dan Lambert, Owner #505
- Fletcher Harrison, Owner #801
- Peter Runyon, Owner 203, 204

Also in attendance:

- KJ McEvoy, Fortius Capital Property Manager
- Kristen Phelps, Fortius Capital Property Manager

Current Board of Directors

- Bob Warner – President. Term expires 2024.
 - Hugh Schmidt – Board Member. Term expires 2025.
 - Jill Warner – Board Member. Term expires 2024.
 - Johnny Cross – Board Member. Term expires 2023.
 - Shane Dickman – Board Member. Term expires 2024.
- Expirations Effective at the Annual Meeting of the Year Listed -

Call to Order

3:17pm

Approval of Minutes

The Meeting Minutes for 2022 were reviewed. A motion was made to approve the 2022 Minutes, seconded, it was made unanimously.

Approval of 2023 Budget

The Budget for 2023 was reviewed. A motion was made to approve, seconded, passed unanimously.

Maintenance Reserve & Capital Improvements

~\$228,618 in the reserve, ~\$3,865 in operating as of 2/2/2023.

Upcoming capital improvements discussed.

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Sheet metal / stucco siding repairs- Many of the panels have been hit or damaged. Do a full walk around and see how much it would be to repair all the damage.

Roof- Roof leaks persist at a few of the buildings. Most of the leaks occur in the same places around the vents that protrude from the buildings as well as around some windows and perforations. Management will talk to Turner Morris.

Asphalt- Asphalt sealing, patching, and striping should be pursued in 2023.

Review Financials

Previous years have been over budget. 2022 funds had to be allocated from reserves to operating to cover the difference (approved by the board prior). Utilities/Trash/CAM contributed the most to being over budget in 2022. These items and others will be discussed in New Business.

Operating dues were increased 16.5% in the 2023 Budget and approved by the board prior to the meeting.

Elections

Johnny Cross's seat was up for election. Johnny expressed interest in adding two more seats to the board. After deliberation, the current board decided to vote on adding two additional seats bringing the number of board members for the ERCCCA from five to seven.

A motion was made to keep Johnny in his current position for another three-year term, seconded, and passed unanimously.

A motion was made for JD Werkmeister to fill one new board seat for a two-year term, expiring in 2025, seconded, and passed unanimously.

A motion was made for Dan Lambert to fill the additional new board seat for a three-year term, expiring in 2026, seconded, and passed unanimously.

Old Business

Sink Hole / Settling Issues

- The east side setting and sink hole issue needs to be addressed.
- 360 Civil (vendor) suggested backfilling and adding a concrete pan instead of putting down asphalt.
- It was suggested at the meeting that the roofs need to be addressed first, and then the sink hole, as there are roofing issues that are perpetuating the sink hole issue – including the bldg. 600 downspout putting water directly into that area.

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Trash

- Reduced pickup at certain dumpsters was mentioned to save money on trash. It was reported that some dumpsters do not get as much traffic as others.
- It was reported that poaching has gotten better and that the trash receptacles towards the back of the property do not fill as fast if other tenants need to use them.

Parking

- Assigned spots are being used by non-assignees.
- When the striping is completed, it was suggested that all users are given two spaces and they can police them on their own. 16 units is 32 spaces in front of the 500 and 600 buildings.
- Tenants and owners need to move their cars around during the winter months to allow for proper snow removal.
- It was proposed that the north side of building 700 could be utilized more for short term overflow parking and signs should be installed and enforced.
- Buildings 1 – 4 do not have parking. The consensus of those present at the meeting is that there is not a problem with occupants of these buildings using the alleys (specifically the alley between building 2 and 3 was mentioned) for a few hours, up to 8 hours, a day. The main complaint is parking overnight and/or longer than 8 hours and blocking the flow of traffic.
- Unit 205s door says "Mechanic" and there are concerns about the parking. Management already communicated the parking rules with unit 205. Violations should be reported to Management.
- It was discussed to have one towing company for the entire center so that any violations would be referred to Big Steve's Towing. Big Steve can put a sign on property with his phone number for anybody to call if they are towed.

Gutters & Heat Tape

- Management brought up building 100. Gutters need to be addressed, heat tape added, and replacement of the downspout on the south and north side. Estimate to do this is approx. \$20,000.00.
- Unit 505 was brought up by Dan Lambert regarding gutter and ice issues last winter. Dan said he cannot open his door due to ice buildup and negative drainage in the back. Dan mentioned looking into snow retention clips and 760 Lindbergh, the neighboring property, was mentioned by Shane Dickman as an example where clips are working.

Exhaust Vents / Flues

- The exhaust vents are one of the issues that lead to the leaking into the building. A suggestion to put a clear panel around them was brought up, and/or add larger diverters. Management will talk to Turner Morris about diverters.

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Roof

- Turner Morris will come out and meet with owners so they can hear directly about the problems.
- Replacing the roof was discussed, as was spraying a sealant/coating. Management was asked to find out what the warranty is on both a re-roof and the sealant.
- Getting bids for all roof options will be pursued this summer, 2022.

Permitted use, unit updates, electrical.

- Concerns were brought up about the type of services being completed in Unit 112. Although the tenant is moving out in May, the board wants to establish what exactly should and should not be permitted at the center.
- Unit 112 is in the same building as residential units. There are dangers associated with spilled oil and the residential and commercial tenants. Also questions about whether sprinklers are present and/or the proper fire-mitigating devices associated with auto/mechanic services.
- Charging RVs
- After replacing the fuse in the main panel that feeds all the units, Johnny from Johnny Electric (also board member Johnny Cross) is concerned about the load on some of the buildings.
- There has been a noticeable increase in electric use and more RVs have been spotted around the property (leading owners to believe that the RVs are being charged within some of the units).
- The infrastructure of the buildings does not allow high loads – like those needed to charge multiple RVs, welders, and other higher-load uses.
- The board would like to consider sending emails to new and current owners that say, “if you do updates, you need to let the board know and check in on possible uses”.
- Are occupants installing 50 amp plugs without permission or notice? We’re not sure – owners/tenants are not communicating this to anyone.
- Management will check the language in the governing docs regarding use.

Bathroom

- South end bathroom on building 1 door needs to be replaced and a toilet has been leaking. Management will address these issues.

Exterior Sheet Metal Panels

- The exterior panels are showing their age and some areas have a lot of rust.
- Mark with Management suggested we reach out to a general contractor, maybe Grant from Rocky Mountain GC (Unit 110).
- TPI, the vendor we have used in the past for the siding, has been too busy. Maybe having Rocky Mountain GC work directly

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with TPI will get some results and build a better and more responsive relationship with TPI.

Signage for Semis/Trucks

- Shane Dickman asked if High Country Kombucha can put up signs under the bldg. 500 trees instructing truck drivers where to park and/or who to call.
- Shane will send photos to show Management where he wants to put signs and an example of the type of sign and signage information he would like to use.

New Business

Trash

- It was brought up to have striping placed around the dumpsters when parking lot is painted, as dumpsters tend to be moved out of place by the trash company.
- It was mentioned that it might be a good idea to get cameras installed to deter dumpster poaching.
- Management to bid out trash. There is a new company coming to town in late spring/early summer.
- Management to reach out to Trinity Recycling about trash removal bid. Brian (970) 688-6702

Roof

- Getting bids for all roof options will be pursued this summer, 2023.

Sink Hole / Settling Issues

- Sink holes still need repaired around the property.
- Unit 314 has a depression with cracks in the asphalt where water runs under.
- Unit 604 has asphalt that is sinking.
- Management to do a walkthrough of the property to locate all sink holes and settling issues that need repair.

Asphalt / Parking Lot

- Striping of the parking spots still needs to be done.
- Dan Lambert suggested paving and converting the islands into additional parking spots. Management will investigate tearing out the building 500 island to reclaim a parking space.
- Summer 2023 will include crack sealing and patching the asphalt.
- When striping parking spots, it was suggested that unit numbers be painted on the ground of each spot that belongs to a designated unit.
- It was suggested to place signs around the property for overflow parking designation and directions.
- Buildings 500-800 have 2 front parking spots and 2 back parking spots per unit.

Exterior

- It was brought up that there are several A/C units that have been hit and are unsightly and the question was brought up about placing barriers around A/C units around the property to prevent from being hit. No decision was made.

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Irrigation

- The concern was brought up about the irrigation that runs all summer but is not actually watering anything except the ground around it.
- Suggestion was made to turn off all irrigation zones that do not have a purpose to save on water costs.
- Board to walk property with management to determine what landscaping needs watering and what zones can be shut off permanently.

Bathrooms

- Hired new cleaning company, bathrooms should be better taken care of effective 2023.
- Post-fire mitigation crew (BluSky Restoration employees/contractors) have been spoken with about the bathrooms being messy and they will do a better job of cleaning up after themselves.

Building 300 Fire

- BluSky projected completion date of March 15; 4-6 weeks.
- Fire Marshal report should be out by the middle of February.
- There are several hypotheses of what happened but it is pointing to stain soaked rags in unit 303 that combusted.
- HOA insurance is paying for repairs and then will go after the at fault parties' insurance for reimbursement.
- Personal contents are to go through Unit owners/tenants' insurance companies and then to seek reimbursement from at fault parties insurance.
- Adjuster and BluSky doing a walkthrough of damages on 2/3/2023.

Rules & Regs Updates/Suggestions

- Management recommended to the board that the HOA and tenant landlords should start requiring proof of insurance from all unit tenants.
- Management recommended that the rules and regs should state insurance is mandatory for all owners/tenants.
- Bob Warner stated that everyone should expect some new additions to the rules & regs in the next 3-6 months. Including reasonable uses of the units.
- By changing the rules and regulations, the HOA can avoid attorney's fees which would be required to change the governing documents. Editing the rules and regulations is a good work around and can be completed quickly.

Adjournment

Motion made to adjourn, seconded, it was made unanimously at 4:45pm