

## Eagles Landing Condominium Association

### Executive Board Meeting April 06, 2024

An Executive Board Meeting was held via zoom/conference call on April 06, 2024. Erika Goetz, Vice President called the meeting to order at 10:32 a.m. A quorum was established as six members were present.

- President: Open
- Vice President: Erika Goetz, B2
- Secretary: Jim Buck, B6
- Treasurer: Dianne Pliska, C6
- Member at Large: Zora Thoms, B4
- Member at Large: Shannon Murphy, A2
- Member at Large: Hugh Vallely, C1

#### **1. Review and Approve March 23, 2024 Meeting Minutes**

Latest updates/corrections received and will be incorporated into the minutes. Hugh made the motion to approve them as corrected. Shannon seconded the motion. There was unanimous approval.

#### **2. Assessment Letter To Owners**

- A. Hugh suggested that because the HOA does not have an official real estate agent, we reword the last paragraph statement to include 'if you're considering selling due to affordability of assessments, there are many real estate professionals available to you in the Estes Park area to help with this financing. Liz Kozar at Estes Park Team Realty at 970-775-0025 (kozar@estesparkteamrealty.com) is one option that was presented to us or contact any other real estate agent of your choosing. '
- B. Dianne requested that her telephone number be replaced with her email address. Hugh made the motion to accept the document with changes as stated above; seconded by Shannon. A roll call was taken. Those in favor were Shannon, Erika, Hugh, Dianne and Zora. Jim was a no.

#### **3. Election of an Interim President**

At the last meeting on March 30, 2024, Doug Werner resigned as President. We now need to fill this role with an interim President. Members were asked if there were any volunteers. Shannon Murphy volunteered. Hugh made the motion to unanimously elect Shannon. Dianne seconded the motion. A roll call was taken. Those in favor were Erika, Dianne and Hugh. Zora was a no and Jim abstained. The motion carried.

#### 4. **New Items Not On The Agenda**

##### **A. New Account for Insurance Deductible:**

Erika has gone to the bank and signed required document. Dianne, Jim and Maria have not yet done this. Maria will be in Estes Park next week and I will request her to do this. Dianne and Jim need to follow-up on this as well.

##### **B. Shannon Comments on In-Process Items:**

- First – ProSource. On April 3, 2024, our ELCA attorney sent a letter to Doug Werner in regards to turning over all ELCA documents, preserve all email correspondence, provide all contracts entered into and availability to answer questions. All communication with ProSource and anyone associated with them as we have discovered a number of open issues related to them. The letter specified ProSource communications because Doug was the ELCA contact person. Following are the specific issues found with Pro Source:
    - Several stairs that ProSource installed are not going to pass inspection based on visual observances. We do have an email record from a Loveland Engineering company dated August 03, 2021 which documents the requirements for installing metal grate stairs. The first stairway (unit F5) was done, it was never permitted or approved by the building department nor a final inspection by that engineering firm. Since then, no other stairs of this type have been inspected. Permits were never pulled by PROSOURCE for any work on the property.
    - At this time, no documents have been produced which confirm a contract was signed between ProSource and ELCA to perform the work or a certificate of insurance. These negotiations were handled by Doug Werner directly and requests have been made for the contracts and his copies of the COI which have yet been given to the Board.
    - ProSource has been unable to do business in CO for the past year and a half with the Building Department in Estes according to the building department. They are not allowed to work in Larimer County or Estes Park.
- They are currently in litigation with several entities. Shannon spoke with Dan Casey about stair issues and balance of work to be done and he has since not responded. He is living in Kansas and apparently his business is in Kansas.
- Shannon contacted the Estes Park Building Department related to the uninspected stairways. They stated if they came here to inspect the stairways and found them to be faulty, it would require shutting the stairways down to owner access until they were brought up to code. At this time, the recommendation is to have a contractor come and inspect the stairways and decks replaced by ProSource and determine which ones may require work to bring up to code working with a structural engineer.
  - If ProSource was hired without a signed contract and certificate of insurance, which is against Colorado state law for a commercial building, it makes the party who contracted them the general contractor and responsible. Without a certificate of insurance, recouping any expenses related to this activity moving forward are slim to none.
  - Moving forward, ELCA will not allow any contractor on site without a signed contract, certificate of insurance and confirmation of permits/inspection requirements. We cannot afford to continue these contractor practices or neglect the deferred maintenance as it has been for the past several years. The cheapest contractors that are unlicensed and uninsured have placed us in a position to now have to bring several buildings and issues up to code causing the high assessments.

- Second – FEMA. When the flood occurred in 2013 buildings A,B, C and others sustained damage. In 2017 Van Horn Engineering came in to assess mitigating those damages due to the flooding. The work was never done on building A or between building A and B. As a result, the engineering work needs to be done in order to insure any future flooding would be covered by our insurance for these buildings. It was absolutely a negligent deferral to not do this work regardless of the cost. This work needs to be completed prior to installing new sidewalks as identified in the 2024 Special Assessment plan. The expense to complete this work will need to be added to the 2024 Special Assessment. A new engineering study based on the buildings across the street must be done to assess what we will need to mitigate.

- Third: Insurance Binder Policies:

The first binder policy dealt with taking an additional \$5M umbrella policy. This was approved but not yet implemented. Questions related to engineering studies, building permits and assessments were not always answered correctly by Doug and Maria who completed the forms. A motion was made by Hugh and seconded by Shannon not to acquire this policy. The motion passed unanimously with Dianne and Erika voting yes. It was also found that Maria has been signing ELCA's tax returns. It is not known how she had the authority to do this on behalf of the HOA but this practice will be changed in the future. They will also be posted to our site for 7 years' worth of returns. A second letter from our attorney will be going out to Maria today ending our bookkeeping services with her. As with Doug, she will be requested to turn over all ELCA related documents.

### C. Vote of No Confidence

- Hugh stated that based on all of the above information, he made the motion to call for a vote of no confidence to remove Jim and Zora from the board. Shannon seconded the motion. An emotional discussion ensued. Zora questioned why she is being removed from the board. Jim commented that it was because she did not agree with Shannon and the 'sheep.' Shannon stated we have had so much negligence on the board in the past that we risk ending up with lawsuits for what has occurred. Brandon's Painting came up as an example. Legal advised us not to use them as they are under multiple litigations and have no certificate of insurance. Shannon stated we cannot afford to have any more issues in this complex. Right now, we have thousands of dollars worth of work we cannot recoup. They were individually negligent when they chose not to do specific work; chose to use a contractor who was unlicensed and uninsured. All of this has added up and is now on the people who are here. But Jim, you sat here with Doug and risked everyone's venture in this HOA.

Hugh stated there are so many things and we have been advised for the benefit of the HOA. He then went on to say he has over 40 years experience on boards and organizations and to be called out as a 'sheep' is bizarre. He then proceeded to call for the vote. Shannon called for a roll call. Dianne – Yes. Erika – on advice of counsel, Yes. Hugh – Yes. Motion was carried. Jim left the call and Zora left the meeting.

#### D. Additional Discussion Items:

- Attorney Communication - Shannon advised that she told the attorney not to proceed with initial litigation against ProSource as we will never get our money from him. There are already multiple liens and suits against him and we believe he is out of the state. Per the Building Department he is not allowed to work in Larimer County or Estes Park so he cannot even repair what may need to be fixed. Shannon will have Alex at Ram Construction to come to the property and inspect the stairways done by ProSource. Hopefully, we will not need any engineering work to be done. Ideally, we will be able to have Alex do what is needed in conjunction with the Building Department requirements. Every set of stairs, decks, windows and doors require permits.
- Fencing - the good news is Estes Park no longer requires permits for fencing. We can go up to 7 feet for privacy fencing.
- Van Horn Engineering – Shannon is in the process of setting up a meeting with them to review the A & B building work not done from the 2013 flood. Once this is determined, we can have further discussion on patio fence enclosure height as well as the privacy fencing. Also, the potential for having to remove some trees due to trenching needs, roots, etc.
- We have been receiving some feedback from owners related to the 2024 Assessment. Although some are not happy with the cost, they agree that the work needs to be done.
- D4 Carbon Monoxide Issue – Shannon was advised of this issue and immediately called a plumber who came to the unit and tested for carbon monoxide. Tests were negative as were tests from the Fire Department in the past. The unit owners were contacted and no further communication has been received from them. Owner issues/outcomes will be documented in meeting notes moving forward. Shannon will also keep a record/diary of issues identified by owners as some have commented they identify issues but they are not followed-up on.
- Shannon continues to review files, documents, etc. related to all of the above issues. We anticipate this may require additional legal fees to support what may be discovered and needed to review with our attorney. There could also be expenses related to Van Horn Engineering services. Another example is FEMA. Much more investigative work continues in this discovery area. There will also be new costs associated with rework of stairs that is unknown at this time.
- Hugh raised the question as to ‘who is Alex’ as he has been referenced several times. Shannon replied that Alex is a commercial builder with RAM Construction. He is one of three companies that bid the assessments. He is a licensed, insured contractor, one of which who provided a written estimate for determining the 2024 assessment work. Shannon has prior work experience with him and has also involved him in providing some initial estimates for the additional trenching work we now need to have done.
- Scott Donaldson, A6 has expressed an interest in joining the board on an interim basis. This led to a discussion regarding what the board would like to do moving forward. An annual maintenance schedule for example, to have chimneys inspected and billed to owners. Set up a routine for homeowners to raise questions /issues related to their property and have a dedicated person who will respond.

- **Bookkeeper Role:** A motion was made by Shannon and seconded by Hugh to remove Maria from the bookkeeper role and change to Irene Harrigan of GNI Bookkeeping. She has approximately 20 bookkeepers under her. She's very efficient with Quick Books and HOA billings. Her office is out of Longmont. The ELCA PO Box will remain in Estes Park. Dianne can pick up the PO Box mail, make deposits and advise Irene via email. Maria will be paid through the month of April 2024. Dianne confirmed that she has Admin Access to Quick Books.. The motion passed unanimously with Shannon, Hugh, Erika and Dianne voting yes. Dianne will work with Maria to get all documents and changes to bank accounts, Quick Books etc. to make this change over. A letter to Maria from the attorney will be sent today.
- **Signors on ELCA Bank Accounts.** Jim and Maria will need to be removed as signors on these accounts. In order to accomplish that, we must provide the bank a copy of these meeting minutes showing they have been removed from their positions. Once these minutes have been approved, Dianne will take a copy of them to the bank and have them removed. As well, once we have a contract with the new bookkeeper, she will be added to the accounts. Dianne will confirm with the bank if any additional signors are required beyond Dianne as Treasurer, Erika as Vice-President and the new bookkeeper.
- **By-Laws** need to be updated as bookkeeper has ability to negotiate past-due payments for monthly dues and special assessments. This should follow the Colorado State law regarding interest and penalties.
- **Upcoming communication** to owners regarding updated declarations, special assessment info, etc. will be communicated via email, posted to ELCA website and by USPS mail to ensure all owners receive the information.
- **Interim positions:** Because of the open 'interim' positions with the current board, Hugh brought up the need to maintain some continuity and well as bring in new members this fall at the annual meeting. Erika, Vice President stated she would like to stay on the board but have a lesser role. Dianne stated she would not be continuing on as Treasurer. It was always her plan to serve one three-year term. Hugh appreciated the feedback which helps the board moving forward to seek out people with the skills for these roles. Hugh also agreed to be the interim Secretary until the annual meeting where new officers will be elected. Shannon made the motion; seconded by Dianne. Motion was passed unanimously.
- **Pest control:** Hugh has contacted several companies to address the potential rodent issue in Building B. He will provide an update at the next meeting. The topic of chimney screening was also discussed. This will require further investigation.
- **New bank account for Insurance Reserve:** there was discussion about the number of signors needed. Dianne will resolve with the bank and advise. Hugh offered to be added if necessary.
- **Special Assessment questions** related to late or non-payment. The board needs confirmation from legal what actions can be taken regarding fines, interest, liens or foreclosure.

E. The next meeting will be on April 20, 2024 via Zoom/conference call at 10:00 a.m.

F. The meeting was adjourned at 12:02 p.m.