

Manager's Report

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By Rob Williams, VillaRosso Manager
rob@villarosso.net

Homeowner Forum:

Russel Magerfleisch of unit 109 has some comments/suggestions for the Board:

1. A huge thank-you for the remodeling of the trash chute. Since the bottom end of the trash chute has been reconfigured to a straight-down drop into the dumpster, he hasn't suffered the excruciatingly loud bang of material dropping and shattering hard onto the dogleg bend that was present before.
2. Asks that the bushes in front of his unit's patio area be allowed to grow taller to block the view of the west parking lot from their unit and he likes to be able to see them.
3. Suggests that the parking lot to the west of their unit be replaced with a garden area landscaped with bushes and trees and wild grass/foilage. Perhaps the builder can be persuaded to pay for this transition from asphalt to a garden in exchange for allowing them to use the area for staging during the construction period.

Items Touched On in the Last Meeting:

- **The Flats:** There continues to be no or at least very little progress with this project. There was a meeting with Mr. Friedman and his contractor Hyder Construction in the sales office of the Weitz building next door on May 15. Discussion was limited to logistics related to the project. At that time the estimate for groundbreaking was early or about the middle of July. The Board did get together to discuss a response to that meeting with the consensus being that an agreement covering the points brought up at that meeting be drawn up with spaces for signatures for both parties in hopes that Mr. Friedman will respond with a signed agreement. Since the points of this document have already been agreed to by both parties the hope and assumption is that Mr. Friedman will sign off on it without incurring further expense from the attorneys. The pre-typed agreement, which incorporated the logistics plan provided by Hyder Construction, were essentially the bulk of the written agreement drafted initially by Susan Wirt and approved by the rest of the Board, to be forwarded to Friedman after Charles gets back from vacation, included the following points:
 - Property line delimited by the curb is the official property line dividing the properties between VR and the Flats and the CCIOA severs the initial communal arrangement

into two separate unrelated entities. (Friedman stipulated to this in one of the previous meetings).

- VR maintains its rights regarding sole ownership of the property and any intrusion is trespassing. This includes the driveway north of the stop sign, the circle, and all parking lots.
 - No Flats visitors or construction traffic allowed on VR property without prior permission. A gate might be installed on VillaRosso property to enforce this provision if it becomes necessary. The location of the gate will be beyond the driveway easement allowing unimpeded access for traffic to the Flats property (Clearly there is confusion in Herrick's June 8 letter [item 4] that threatens to build a gate "across the driveway" blocking construction access).
 - Construction egress from Monaco to the Flats property over the shared driveway will not be challenged by VR.
 - With regards to any damages done to the driveway from Monaco to the Flats property, Friedman will make proper repairs.
 - The construction logistics plan by Design Edge will be incorporated as part of this agreement as well as points verbally agreed to in the May 15th meeting:
 - Entire site will be fenced and screened from view.
 - Sewer line can be connected "wet" without disturbing service to VR.
 - Portable toilets will be screened from view. There will be 3 to 6 depending on demand.
 - 6 parking spaces on the west lot and 3 on the northwest lot will likely be closed off for a few days as a safety measure to allow shoring operations to proceed during the excavation process.
 - Might need to have diesel generators for temporary power depending on the availability of Xcel to install this service at the site.
 - Flaggers will be provided during heavy construction traffic periods.
 - Work won't start until 7:01am. The site closes at 5:00pm at the latest.
 - Work week is Monday through Friday. Work on Saturdays might be required if there is an unexpected delay such as caused by weather.
 - No work on Sundays.
- **Permanent Easement Agreement:** It was decided that the Board will not pursue a permanent agreement with the Flats which would involve the eventual owners of that property. Instead the consensus lies on the mutually assumed understanding that the private property that belongs to VillaRosso, which is delimited by the meandering curb to the west, will not be encroached upon by any construction, sales, or residential access from this point on. Parking and use of the driveway by anyone other than VillaRosso owners and those given permission will be prohibited. Enforcement of this policy will be by a gate, a fence, or active patrolling of the area and subsequent towing or citing of vehicles for trespassing.
 - **Letter to the City:** Susan K suggests that the Board should write a letter to Karan Callaway of the Denver Zoning department advising that the Association intends to protect its rights to the driveway and parking lots, and that it is apparent that the developer is ignoring those rights by continuing to plan the building's front door access and the usage of the handicapped parking space associated with

that building which requires the trespass of anyone who intends to use them. The fear is that allowing this to happen without making the objections known will endanger these rights to the private use of the VillaRosso property going forward.

- **Spring Cleaning:** Very soon the cleaning the garages and the exterior “HOA” windows will be scheduled.
- **Landscape:** New landscape contractor TCM is doing an excellent job so far. Planting of the flower beds has not yet been scheduled but should happen soon as the weather is becoming more and more favorable for it.
- **Trash Chute Remodel:** The trash chute discharge has been reconfigured to allow material to drop straight down directly into the dumpster. This will allow for a safer environment in the trash room since plastic and glass will not fracture into dangerous shrapnel upon hitting the bottom of the chute. It is intended that the manager will install an automatic locking system that will be tied to the light in the trash room. The idea is that the light is only on when someone is in the room which will automatically prohibit the hatch on each floor from opening, preventing anyone from dropping anything down the chute at the moment someone is in the room.
- **Rental Amendment and Dog Rule:** Waiting for documents to be drafted and forwarded for the rental agreement and the dog weight limit permits. These are due at any time. Once received a letter will be distributed to all owners and residents informing that the new rules are in effect and including the necessary permits and registration forms.
- **Fruit trees:** Fruit trees on the west side of the building have some deadwood at the tops. Landscape TCM has already pruned trees and shrubs but has a height limit for pruning anything over 10 feet. Board recommends contacting American Arbor Care for this work.
- **Financial reports:** Question raised as to why is the budgeted rooftop equipment lease income amount is different than the actual amount when the exact amount of that income is known. That detail was apparently overlooked in the initial draft of the budget. The manager will adjust the entry to reflect the correct amount. Other points concerning the financial reports included:
 - CPA Orkin’s charge is \$40 more than the previous bookkeeper that Sandy used. Orkin is a Certified Public Accountant and the other accountant was only a bookkeeper.
 - There are some accounts that do not have any associated funds accounted for in the budget: I have created some new accounts to better track expenses which don’t have an associated amount dedicated in the budget. Money for these new accounts will be a part of the larger budgeted item until the new budget is drawn up. Some of these new accounts include: Postage and shipping, RFID fobs and window tags.
 - Mr. Orkin’s End-of-year letter included a disclaimer saying he was not acting as an independent 3rd party but as a CPA he should be. This comes from the previous bookkeepers end-of-year letter which did have this language included. Subsequent letters from the CPA will not have this provision.
 - Seems we are way over the budget for gas. Need to research this to find out what is going on.
 - Trash removal has no expenses listed: The new agreement from Waste Management included two free months.

- **The managers Log and Report:** These documents should run to the date of publication of the Board packet rather than only the two months between meetings (to provide better present-day context).
- **Security Cameras:** Can we cover the interior of the elevators and the elevator lobbies as well as outside the elevators on each floor. That is certainly doable. I have already covered all the parking lots and driveways from the roof; also replaced the dead camera in the lobby facing west. Nest is to install a camera inside the trash room.
- **The Island:** It was initially suggested for the builder to remove the island at the head of the driveway as it will be in the way of large construction vehicles and subject to damage but Mr. Friedman would rather leave the island as it is and make repairs to it as they happen.
- **Police Visit and Crime:** The police came by the office inquiring on video of areas at or near Brookdale as some kind of burglary happened there recently. We didn't have coverage at the time (but now we do). He mentioned that there is an uptick in crime reports in the area presumably because of the apartments and miscellaneous construction going in to the east. He advises that we should be more conscientious of suspicious characters, watch out for people on foot following cars into the garages, don't let strangers through the front doors, etc. It was suggested we put a reminder in the newsletter.
- **Security and hacking:** Concern for hackers gaining access to the HVAC system that is now online as well as the surveillance cameras and other components that are becoming accessible over the internet. Manager said that the building utilizes a VPN to access the local building network over the internet and has a very high security protocol. Also I use appropriately complex passwords as well as other security provisions to prevent unauthorized access.
- **Quit Claim Deed:** An item in the log refers a quit claim deed. This is related to the parking space swap that happened between new homeowner in unit 104 and one of the VillaRosso deeded spaces.
- **No Smoking Amendment:** Proposal on the agenda for a building-wide no smoking policy: this policy would include the prohibition of any smoking inside the private units and will include the balcony. Major discussion points on this issued include:
 - There is a Colorado ruling that allows an HOA to prohibit all smoking in a community and apparently there are other states using this ruling as a precedent in drafting their own rules involving this issue. It was pointed out that the case in question involved a 4-plex involving 3 of the 4 homeowners and had undergone an extensive legal process ending in a ruling by a lower court. It was apparently heading to the Court of Appeals but at the present time has not yet been heard by that court.
 - This would require an amendment by the membership requiring a supermajority vote similar to the recent amendment approved by the members regarding rental limitations.
 - There is the feeling that most of the members in the association are non-smokers and it might be presumed that if such an amendment was put before the members it would likely pass.
 - Should the limitation be just inside the building and not the balconies, or should it include the balconies as well. At the present time smoking is allowed in a private unit as well as the associated balcony.
 - Would there be a need to provide a designated smoking area somewhere in the building?
 - Who will enforce this rule and how would that be done?
 - It was pointed out that the general sense in the building is people assume the freedom to smoke or do whatever legal activity in the privacy of their own home if they want to. The

homeowner who brought up this point is not a smoker per se but does indulge in an occasional cigar after dinner. He would want to maintain that right even if he rarely or never actually exercises it.

- “Smoking” would also include marijuana.
- Get legal opinion from Association lawyer Trish on the advisement of practicability and enforceability from a legal point of view. Do this before polling the homeowners on their viewpoint.
- A meeting of the members to gauge their perspective might be advisable before expending funds on legal details on the issue.
- How far should the HOA reach into the members private lives – prevent drinking in private units coming next?