Cement Creek Condominium Association, Inc.
Board of Directors

Minutes of Meeting
November 15, 2018

The Board of Directors meeting was opened by Chris Ward at 9:00 AM, MST. Chris Ward asked for a roll call of Directors present and a verification of quorum:

In Attendance:

Chris Ward – via phone
Bob Baker - via phone
Charlie Zeiter - present
Paul Davis – via phone
Kurt Sorensen – via phone

Five directors present and thus a quorum established.

Also present - Mike O'Loughlin, CCCA attorney
Also present – Brian Armbrecht (see below)

Meeting, through Item # 3, was held at the offices of Schumacher & O'Loughlin, 232 W. Tomichi Ave, Gunnison, CO 81230. Reconvened meeting was held via phone conference.

1. Proof of Notice of Meeting.

   Charlie Zeiter stated that the Notice and Agenda for this meeting were posted on the association's designated posting wall (at the offices of Cement Creek Condominiums Association) and put on the association's web-site. Mike O'Loughlin also sent notice of this meeting to Brian Armbrecht via US Mail. Charlie Zeiter stated he emailed notice of this meeting to Brian Armbrecht.

2. Approval of meeting minutes from the meeting held on August 23, 2018

   Bob Baker made a motion to approve the minutes as presented.
   Paul Davis seconded said motion.

   Motion was unanimously approved.

3. Hearing to Determine Assessment of Pet Violation Fines, East River # 2.

   It was discussed and decided to give Mr. Armbrecht time to arrive to the meeting and while we waited Chris Ward explained why the first scheduled hearing, for this issue, was canceled and that we then had to re-notice the hearing with proper time notice periods. Chris Ward also explained that Brian Armbrecht had

contacted us prior to the first scheduled hearing and wanted to discuss this issue unofficially but the two of them did not connect to discuss anything.

9:10 AM – Brian Armbrecht arrived at Mike O'Loughlin's office.

Chris Ward asked Mr. Armbrecht if he wanted to delay or reschedule the meeting. Mr. Armbrecht stated no.
Mike O'Loughlin then explained what this hearing was for, how testimony could be presented and the opportunity to present evidence, thus "due process".

Chris Ward began by explaining that this is the 3rd time CCCA has had to deal with Brian Armbrecht for his 2 dogs not being kept on a leash and for aggressive behavior. The first time the CCCA BOD, May 23, 2018 meeting, agreed to waive the fines with the understanding that Mr. Armbrecht would keep his dogs on a leash. The second time fines were imposed for the dogs not being on a leash and aggressive behavior, and now we are here a 3rd time for dogs not on a leash and aggressive behavior. This hearing is to determine if these fines should be assessed against Mr. Armbrecht.
Mr. Armbrecht stated that he did not believe the agreement, from the May meeting was that he did not have to keep his dogs on a leash at all times. He believes the BOD told him he could have the dogs off leash around his unit and in the lawn area in front of his unit as long as either him or his wife were present.
Bob Baker stated we have pictures of your dogs off leash numerous times throughout the summer, on other areas of CCCA grounds.
Mr. Armbrecht stated that everyone at the East River building is willing to sign a letter that the dogs are not a problem.
Mr. Armbrecht stated that he believes that Peggy Pentecost was coaxed into writing the complaint letter informing CCCA of the two times Armbrecht dogs were aggressive toward her.

Charlie Zeiter stated that due to his wife being attacked by the Armbrecht dogs and nipped at, and that she is disabled, he will be abstaining from voting on this issue.

Mr. Armbrecht stated that no one witnessed his dogs attacking Charlie Zeiter's wife.
Charlie stated that his son was with his wife when the attack happened and that as the manager and an owner at CCCA this is not the type of environment and dangers we want. She has severe spine damage and having dogs charge her could cause severe injury even if they don't touch her. She was very scared and upset from the incident.

Mr. Armbrecht stated that he was attacked by Peggy's dog. He stated Peggy told him no way could her dog attack anyone. Then Mr. Armbrecht started talking about other dogs he has owned over the years, how they were police trained dogs and how well behaved they were.

Chris Ward interrupted Mr. Armbrecht and stated we are here to only discuss the current Armbrecht dog violations.
Mr. Armbrecht stated I'm not here to complain about other people but my dogs never charge, act aggressively or bark at people.
Chris Ward stated that one day he was at the East River building and the Armbrecht dogs ran at him barking and behaving aggressively.

Mr. Armbrecht then stated he thinks cats should have to be on a leash and wants to know why cats aren't required to be on a leash.

Mike explained that the current pet policy does not require cats to be on a leash. Mr. Armbrecht stated how can we change that, and then stated probably by the BOD and we know that won't happen because you all are only targeting me and my dogs. Mike explained that Mr. Armbrecht could run for a BOD position next year and try to get the pet policy changed. Mr. Armbrecht then stated that he is trying to sell his unit hopefully Spring, 2019.

Chris Ward then asked Mr. Armbrecht if he had any more evidence to present. Mr. Armbrecht said he had none.

Mr. Armbrecht then asked again who made these complaints about my dogs.

Charlie Zeiter presented the written email complaints, from other owners, and pictures. Mr. Armbrecht stated I'll take your word on this.

Discussion then occurred regarding the fines and attorney's fees that might be imposed if the dog problems continue. Mr. Armbrecht asked why he would be paying attorney's fees and Mike explained how attorney's fees can be charged to enforce the assessments and compliance of CCCA pet policy.

Mike then explained to the CCCA BOD what actions they could take during this hearing.

Chris Ward then asked the BOD for a motion or if there were any questions from BOD members.

Chris Ward made motion that the fines in the amount of $1,050.00 be assessed to Brian Armbrecht as per the letter Mike mailed to Brian Armbrecht describing said fines.
Paul Davis seconded said motion.

Discussion on motion:

> Mr. Armbrecht wants to know if anyone took pictures or presented complaints about Peggy's dog not being on a leash. Charlie Zeiter stated that he has not received any other complaints from anyone regarding any other pets at CCCA.

Mr. Armbrecht then stated that is because he is the only one being targeted by CCCA.
Mr. Armbrecht asked if Peggy is not getting any fines then why not drop the fines against him.
Mr. Armbrecht then asked that "people" please stop threatening him, and in front of his kids that, "they" would take his pets from him.
Charlie Zeiter asked who has made these threats. Mr. Armbrecht stated that it was Charlie who said this to him and his family.
Kurt Sorensen asked Mr. Armbrecht if he will keep his dogs on a leash at all times until they sell their unit and move.
Mr. Armbrecht asked is that at all times?
Mike answered yes.
Bob Baker stated that Mr. Armbrechts' dogs have been aggressive toward him but he didn't file a complaint.
With no further discussion, Chris Ward called for the vote on the motion. Each BOD member voted verbally and one at a time, the result was as follows:

Kurt Sorensen	-	yes
Paul Davis	-	yes
Bob Baker	-	yes
Chris Ward	-	yes
Charlie Zeiter	-	abstained from voting

Motion was unanimously approved.

Chris Ward asked if there was a motion from the BOD to have the pets removed from CCCA.
Paul Davis stated he thinks we should give Mr. Armbrecht one more chance to follow the pet policy and keep the dogs on a leash at all times.
Bob Baker agreed with Paul if Mr. Armbrecht would promise to keep his dogs on a leash at all times.
Mr. Armbrecht stated "we will only do the best we can."
Kurt Sorensen stated he is not for removal at this time and no more fines if they keep the dogs on a leash.

No motion for removal of the pets was made.

Chris Ward then closed this portion of the meeting, ending the hearing.

Mike explained that the hearing was now closed and then explained to Mr. Armbrecht how the fines have been assessed to his account. He also explained that the Armbrechts were 2 months late on their normal monthly dues and that a 30 day late letter with additional late fees would be coming if these dues were not paid immediately.

Mr. Armbrecht requested that a statement of account be emailed to him.

Mr. Armbrecht then started asking questions and making statements regarding how he felt the manager (Charlie) is only targeting him and his family and dogs. Mike explained the process of the hearing again.

Mr. Armbrecht asked if the May 23, 2018 was recorded. Charlie stated that it was not recorded. Mr. Armbrecht stated then there is no record of the agreement you made with me regarding that I didn't have to keep my dogs on a leash, that's because you (Charlie) keep the minutes and its very convenient that you left that part out.

Chris Ward then explained that the hearing was over, that the BOD would be taking a brief recess and reconvening at 10:30 AM, MST to continue with the rest of the BOD Agenda for this meeting.

Mr. Armbrecht left the meeting and Mike's office at 10:01 AM.

10:30 AM – Reconvene meeting.

Chris Ward	-	via phone
Bob Baker	-	via phone
Kurt Sorensen	-	via phone
Paul Davis	-	via phone
Charlie Zeiter	-	via phone

4. Update on Pond and Spillway.

Charlie Zeiter gave a brief description of the findings from the engineer, CCCA, CBSPOA and Richard Albritton hired to evaluate the pond and spillway in the Teocalli easement. From his evaluations, he is recommending and preparing a contract that would spell out the required engineering, provide the engineering details and drawings, to take to contractors for bid. From his initial investigations and site visits he believes we can use the existing culvert under Elcho Ave and use some of the existing structure to create a drainage ditch as desired. The estimated cost of this next phase is $6,000.00. CBSPOA and Richard have both verbally committed to pay 1/3 of the cost.

Bob Baker made a motion that CCCA approve funds of $2,000.00 for this work. Paul Davis seconded the motion.

Motion was unanimously approved.

5. Fireplaces and Chimneys.

Chris Ward gave a brief description of the old fireplaces and chimneys at CCCA, who we believe is responsible for the maintenance of such and do we need a chimney/inspection policy before owners are allowed to have fires.

Discussion occurred and Charlie explained that he had a short discussion with Mike about this issue and that Mike has experience with other associations helping them prepare and adopt fireplace/chimney usage policies.

It was determined that we will wait for Mike's information before we take any action on this issue.

6. Ken Buck Legal Fees and Fence.

Chris Ward described that he and Bob had been working with Ken to offer Ken a license agreement to cross CCCA property when he is setting the next phase of his construction. Chris explained that we had instructed Mike O'Loughlin to start the legal paper work. Then Chris just happened to meet up with Ken and Ken informed Chris that he would not be performing the construction work this Fall (2018) and didn't need the license agreement at this time. Ken never officially called to tell Chris this, it was just that Chris happened to see Ken and then Ken told Chris.

CCCA has expended funds for this legal work and the question is do we send Ken a bill for this work to date.

Bob Baker stated he thinks we should sit on the bill until the license agreement is needed, completed and then invoice him.

Kurt Sorensen stated he thinks we should invoice Ken now since Ken requested the license agreement from us and stated he wanted it for Fall 2018.
Chris Ward stated he agreed with Kurt.
Bob stated he is OK with billing Ken now.
Paul Davis stated he agrees with billing Ken now.

Legal fees to date will be obtained from Mike and an invoice will be sent to Ken in the near future.

7. CBS Metro District.

Chris Ward explained to the BOD where we stand with the CBS Metro District using CCCA roads without any easement to use them. The last contact with CBS Metro is Mike requesting that their legal staff respond to our request that they explain in detail how they legally have a right to use our roads. They have not responded at all to this request. It has probably been two months since we made that request.

Kurt suggested that maybe we write a letter to editor of the local newspaper describing what the CBS Metro District is doing and make it public.

Chris Ward stated that maybe he do some more investigating into CBS Metro Districts records and request documents from them to see if they have any other similar situations where they cross private property to get to their facilities.

8. Unit Owner Transfer Fees.

Charlie explained that the current owner transfer fee at CCCA is $250.00.
Discussion occurred regarding increasing this fee.
Chris Ward suggested and asked Kurt and Charlie if they would work together to propose an increase in the fee or different way to charge for these services.
Kurt and Charlie agreed.

Paul Davis announced that he needed to leave the meeting and did so at 11:10AM.

9. New Business.

Chris Ward asked the BOD if there was any new business.

With no further business being presented,

Chris Ward made motion to end the meeting.
Kurt Sorensen seconded the motion.

Motion to close the meeting was unanimously approved.

Meeting was closed at 11:15 AM, MST.