

Shadow Mountain Townhome Association

Board of Managers' Meeting

Wednesday, March 11, 2009
6:00 p.m., Mountain Standard Time

I. Call to Order, Roll Call

Mr. Michael Mizen called the meeting to order at 6:00 p.m. on Wednesday, March 11, 2009. Present were Board members Mr. Alex Biel, Ms. Chrissy McNamara, Mr. Todd Klindworth, Mr. Bruce Dierking, and Mr. Don Gilbert. Also present was Mrs. Susan Spalding of Spalding Management Services.

II. Proof of Notice

The meeting was arranged via e-mail to all Board members on February 25, 2009.

III. New Business

Todd Klindworth's stabilization proposal – Mr. Klindworth had previously given the Board members copies of plans drawn by Martin/Martin to stabilize his units. He stated that last week a 6 ½ foot crack appeared in his new drywall, which occurred with the warmer spring temperatures that were experienced. He gave an overview of his plan, which includes putting snowmelt in the sidewalks as they are replaced in front of his unit. Ms. McNamara observed that some of the excavation will have to be hand dug, especially under the bedrooms. Ms. McNamara liked the concept of linking the units together so as to shore up the set of units. She said that given the sidewalk work that this should be done as an Association project, with the use of a design committee for the look of the sidewalks. Mr. Gilbert asked how deep the contractors will dig. Mr. Klindworth said that he had been told 8 feet at the front door, but it depends on when they reach virgin soil. Mr. Klindworth said that Unit 1 had to have fill brought in as they did not reach virgin soil. Mr. Gilbert said that he wanted to wait a year to see what John Sarpa is going to do on the LAM site. Mr. Dierking said that he could see the wisdom of waiting, but that if Sarpa's construction was not started for a few years, it would give time to stabilize the units and then be able to track the impact from LAM's construction. Mr. Klindworth thinks that it will take a couple of months to complete his project. He said that the project could be done in two stages – one under the kitchen, the second under the bedrooms. Most of his movement has been under the entrance side.

A question arose as to whether or not a second engineering study should be undertaken, and if so, who should pay for it. Mr. Dierking thought that was a prudent course of action, and that the Association should pay for it as it benefits the Association in its entirety. Ms. McNamara thought that it would be good to engage the services of a second engineer now to review

the issue. Mr. Mizen said that he appreciated the expense that the Klindworth's had incurred thus far. It was the general consensus of the Board that the Association should pay for a second engineering review. Ms. McNamara said that she thinks it would be acceptable to have the second engineer review Martin/Martin's plan. Mr. Dierking suggested engaging the services of JVA engineers out of Boulder. Mr. Dierking asked if the Board wants a review done of Martin/Martin's plan for Units 5, 6, and 7, or if the question is to engage an outside firm to do a global plan for the complex. If the global plan is what is desired, then bids should be obtained from a number of firms as to the cost of doing a study.

Mr. Dierking suggested asking Martin/Martin if there were issues that needed to be addressed in the near term, so as to avoid a potential immediate issue with movement. The Board agreed that this was the prudent thing to do.

The Board generally agreed that if Mr. Klindworth's plans are adopted or used in material part by the Association in the future, the Association should reimburse Mr. Klindworth for some or all of the reasonable costs he incurred in obtaining such plans in a manner that is fair and equitable based upon the benefit of such plans to the Association as a whole. It was recognized that Mr. Klindworth has spent \$52,000 to date on the stabilization project.

The Board generally agreed to revisit within a year Mr. Klindworth's request for permission to proceed at his expense with the stabilization of units 5-6-7.

Discussion ensued as to the timing of stabilization work given the impending construction at Lodge at Aspen Mountain. Mr. Biel said that it was better to conduct stabilization after the construction below is done in order to identify any construction damage incurred by stabilization work. This assumes that construction below Shadow Mountain takes place within a reasonable time frame.

The Board agreed to the following course of action:

- A. Ask Martin/Martin to identify any issues that could imminently endanger Units 5 and 6. Ms. McNamara will ask Martin/Martin to do this.
- B. Mr. Dierking will contact JVA to determine if they are interested in bidding on the global study.
- C. Ms. McNamara will try to identify other engineering firms that might be interested in bidding. She will also contact Martin/Martin about bidding on a global study.

IV. Adjournment

Mr. Mizen adjourned the meeting at 7:25 p.m.