
CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

61 TEOCALLI ROAD, CRESTED BUTTE, CO 81224
PHONE (970) 349-1162, WEBSITE: www.cbsouth.net, FAX (970) 349-1163

Board Meeting Minutes September 9, 2020 - via Uber Conference

Board Members Attending: Mary Haskell, Liz Jordan, Margaret Loperfido, Scott Thomes
On Uber Conference Call - Allison Butcher, David Neben

Staff Attending: Dom Eymere, Benita Bellamy

Public in Attendance via Uber Conference: Matt Barker, Jean Dumas, Norman Dumas, Craig Maestro, Pam Maestro, Brian Morelan, Andy Tyzzer, Sue Tyzzer

Dom called the meeting to order at 6:02 pm.

Oath of Office and Election of Officers

Dom requested the new Board Members to sign the Oath of Office.

Dom asked for Board Members to nominate the 2020-2021 officers. David opened up the nomination to volunteer for the Vice President position. Dom clarified that typically, we have two officer positions, President and Secretary and Vice President and Treasurer. Matt McCombs holds the current Vice President and Treasurer positions. Liz nominated David Neben for President and Secretary. Scott Thomes nominated Mary Haskell for President and Secretary. The Officer elections for the 2020-2021 Board of Directors were voted on. Four votes were received for Mary Haskell as President and Secretary.

Approval of Minutes from July 2020 P.O.A. Board Meeting

Updates and/or corrections to the July Meeting minutes were requested; none were identified. Margaret motioned to approve the July 8, 2020 minutes as written; David seconded the Motion and the Motion carried.

Monthly Financial Report for August 31, 2020

Dom presented the August 31, 2020 Financial Report. Total income was \$386,000 and Total Expenses were \$254,000 resulting in Net Income of \$132,000. Total Expenses are currently projected at \$373,000 which are down approximately \$12,000 from the budgeted amount. From a Balance Sheet perspective, as of August 31st, the Total Assets were \$1,119,000. Reserve Funds are currently \$383,240. Total liabilities were \$166,000, consisting of \$163,000 in Current Liabilities, a majority of which are Refundable Deposits. The balance of Total Liabilities consists of \$2,647 which is the remaining of the mortgage on the P.O.A. building. In summary, the P.O.A. remains in good financial condition.

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Margaret asked Dom to clarify the adjusted line items under Expenses. Dom shared that at this time of year, we are able to adjust these line items because we have received the actual costs that previously were estimates used for budgeting purposes. Line item 201 Grounds Keeping Compensation was reduced due to unused hours at the start of the year when the position was open.

Liz asked for clarification on the difference between Reserve Funds and the Unanticipated Expenses. Dom clarified that Reserve Funds are typically used for replacement of items. Unanticipated expenses are as stated for unanticipated items such as fees for legal or accounting services. Dom provided an overview of the Capital Reserves Projected to Actual. Under Capital Expenditures, the funds for the basketball court are depleted since we are currently paying for those improvements. A portion of the funds allocated for the Teocalli path and ditch payment have been paid out and remain in an escrow account in accordance with the tri-party agreement between the Cement Creek Condo Association, JRJ Holdings and the P.O.A. Cement Creek Condos is responsible for 55% of the project cost; JRJ Holdings and the P.O.A. are both responsible for 22.5 % each.

Dom noted that no end of year contributions was budgeted to the 2020 Capital Reserve funds. The current funds are adequate for the projects. Depreciation line item is calculated annually on all the depreciating assets.

Scott motioned to approve the August 31, 2020 Financial Report. Margaret seconded the Motion and the Motion carried.

Scheduled Property Owner Comment Time – Public was in attendance for scheduled agenda items.

New Business

Mary noted that the next item item was ahead of the scheduled Agenda time. In order to hold to the schedule for the discussion regarding Lots 7 & 8, Block 9, Filing 2, the Board moved up the discussion to review the agreement with the Crested Butte Fire Protection District.

Consideration of a Variance for Shared Access Agreement for Lot(s) 7 and 8, Block 9, Filing 2, 471 and 499 Cement Creek Road

Margaret recused herself from the discussion due to her business relationship with owner, Brian Morelan. Brian Morelan presented his application request. He explained his original design was to have driveway access on Blackstock; Gunnison County wanted to minimize access points on Cement Creek Road. During the Design Review Committee (DRC) meeting, Eric Shull suggested that the access would be better off of Cement Creek Road. This suggestion was reviewed by the County with the plans and the County determined the access should be on Cement Creek Road and approved the new driveway location. A Variance Application is being submitted to receive approval of the driveway location on the two lots because the setback requirements cannot be met with a shared driveway. The Board asked for clarification on why the driveway is being proposed

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as a shared driveway. The County ruled that it will not agree to each unit having a separate driveway in order to reduce the cuts along Cement Creek Road. A discussion ensued to identify the specific reasons, clarify the criteria outlined within the Special Area Regulations (SAR) as well as the County's requirements. Dom stated his recommendation is that the variance application does meet the criteria and there are special circumstances that the applicant is being asked to meet by the County. The variance request follows in compliance with previous approvals and regulations, was timely noted and received a recommendation and approval by the Gunnison County Public Works department. In addition, the DRC approved the site plan at the April 16th regular DRC meeting. The Community and Economic Development department, Cathie Pagano, has upheld the decision of the DRC approval. Scott noted that the proposed, single driveway allows for more parking which will be a benefit since parking is always a concern within the subdivision.

Public comment was opened and Mary noted that a five-minute time allotment would be permitted to each speaker. Andy Tyzzer introduced himself, outlined who signed the Petition submitted on August 30, 2020 and Appeal to the County regarding the Board's decision to uphold the building on the lots adjacent to his property and the those who signed the Petition. Andy challenged that the process was not executed as per the SAR and the County's direction. The Board reviewed the Section 6.4.C of the SAR document that Andy cited.

The conversation changed to the June 10, 2020 Board approval to overturn the Design Review Committee Denial of for a duplex residence on Lot 7, Block 9, Filing 2 (471 Cement Creek Road). The Board reversed the DRC decision to permit a duplex to be built on Lot 7, with the conditions. Andy Tyzzer asked for confirmation that the Board did reverse the decision and if there was an official appeal submitted. Dom confirmed.

The Board asked if the DRC reviewed the site plan and Dom confirmed that it received their approval. After review of the specific language written in Section 6.4.C and a lengthy discussion, the Board agreed that the regulations, as written, substantiates the request for the DRC to revisit the site plan and make a final recommendation to the Board. Liz suggested that we do not wait for the monthly DRC meeting but ask the DRC to review as soon as possible.

Allison and Liz both agreed that additional trees and properly placed landscaping could help to mitigate the overspill of lighting in order to block the adjacent property owners impacted by the driveway location. Craig Maestro asked why each unit does not have their own driveway therefore eliminating the shared driveway and lights shining into his home. Brian Morelan outlined again that two curb cuts on Cement Creek Road were not approved by Gunnison County Public Works department as documented in the November 4, 2019 letter.

Pam Maestro entered the discussion and asked if any of the changes are to be incorporated on the duplex approved for Lot 7. Dom stated that there are four (4) modifications that will be done and were approved. Craig Maestro commented that the meeting was not accurately noticed. Dom stated the Board of Directors meeting is a regular meeting with an agenda published in the

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newspaper, on the website and at the office. The group debated on what is considered as a public hearing and it was agreed upon that the regular Board meeting has always acted as the public hearing with proper noticing. Jean Dumas also commented that the property looks too commercial and not fitting with the rest of the properties. Two properties should have separate driveways.

At 8:22 pm, the Board ended Public Comment time in order to conduct a thorough discussion amongst themselves. Scott asked Dom to assist in recapping the information presented tonight and how it relates to the process so they can identify all the facts and prior decisions of the DRC and Board. The Board emphasized that all the public comments are appreciated and are taken into consideration. The variance process was discussed and it was determined that since the steps were out of sequence, it was appropriate for the DRC to review again. Dom shared the language from a letter dated November 4, 2019 from Marlene Crosby identifies the County's direction regarding the driveway on Cement Creek Road; it also noted one purpose was to reduce congestion on Blackstock which has school bus stops. After an exhaustive discussion, the Board began to make a Motion to approve the variance with conditions that the DRC make a formal recommendation for the record. Due to technology issues, David and Allison stated that they did not feel comfortable voting because of the inadequate audio transmission. The Board agreed that without all members able to participate in the vote, it should be postponed. Mary moved to table the motion and postpone this vote until next month. The Board requested that the Design Review Committee make a recommendation to the Board, for the record, prior to the October meeting.

Decision to Affirm, Reverse, or Modify the Decision by the Design Review Committee's Approval of a Duplex Residence on Lot 8, Block 9, Filing 2, 499 Cement Creek Road

This is a request by Cathy Pagano to re-notice the Certificate of Appropriateness for the Application of a Duplex Residence, Lot 8, Block 9, Filing 2. As outlined in the SAR, the Notice of Public Hearing serves as the 14-day public comment period, during which comments may be submitted in writing to the CB South Property Owners Association. Dom noted that the Notice of Public Hearing was posted on the property on August 19, 2020 and issued in the paper on August 21, 2020. The Board asked if any public comments were made and Dom confirmed that Andy Tyzzer did submit comments. Margaret stated that she would recuse herself from this discussion.

Andy challenged the interpretation of Cathie Pagano's direction. He stated that the April 16th DRC meeting was not noticed correctly and Cathy Pagano's request was to re-notice the DRC meeting, not the Board of Directors meeting. He also challenged that the variance request must be approved prior to the DRC approving the project. He feels these are key administrative items that cannot permit this vote to move forward.

Dom reviewed the language from Cathie Pagano's correspondence and the SAR. Cathie requested that proper wording be re-noticed as per the SAR. Dom also outlined the posting dates and locations of the Notice of Variance and Notice of Public Hearing as per Cathie's requirement.

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Mary made a Motion to Affirm the decision by the CB South Board regarding the Design Review Committee's approval of a duplex residence on Lot 8, Block 9, Filing 2. Scott seconded the Motion. The was Motion was unanimously approved.

Review Agreement with the Crested Butte Fire Protection District (CBFPD)

This discussion was moved in front of the two agenda items for Lots 7 & 8, Block 9, Filing 2.

Dom presented an updated Land Use Agreement between Crested Butte South Property Owners Association Inc. and Crested Butte Fire Protection District regarding the use of Sunset Hall, located at 349 Teocalli Road. This agreement is reviewed approximately every ten years and has had legal review of both parties.

David inquired if the agreement would prohibit us from placing a small cell tower; Dom confirmed there is no language prohibiting it. Scott asked about insurance agreements; Dom confirmed both the P.O.A. and CBFPD both list each other as an insured party. The CBFPD has requested renters insurance and Dom is sourcing quotes.

Liz moved that we approve the Land Use agreement with the Crested Butte Fire Protection District. Mary seconded the motion and the Motion carried.

Continued Business

Discussion and Review of Traffic Study Proposals and Speeding Issues

Mary opened up the discussion sharing she has heard some feedback that the additional stop signs are working, although some are being missed. She also received a suggestion where a stop sign may be helpful and will share that with Dom. Allison suggested adding a flag to the signs that are being missed.

The Board reviewed the two Traffic Study proposals. Allison suggests we obtain recommendations from customers of whichever consultant we go with and Scott added that these references should be mountain town specific. David seconded this suggestion.

David would like to see a comparable traffic study on the density of 3-stories and would like the language to be defined within the proposal. Scott asked if now is the correct time or should we hold off for now and consider it down the road. Mary shared some background as to why this is being looked into now; several members requested the 3-stories be included during the CAMP meetings. The Board wants to provide the property owners with as much information as possible to make an informed decision on 3-stories within the Village Center, should it come up to vote with the covenant rewrite. Conducting the study in the summer vs. winter was discussed. Margaret suggested that separate summer and winter counts should be done and the other members agreed.

The cost estimate of the two proposals were significantly different. The Wells + Associates proposal focused on traffic; the TEI Planning proposal took liberty to provide a more in-depth and

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expanded the scope of work. Dom was asked move forward with sourcing references from Wells + Associates. Summer 2021 was identified as the preferred time frame to capture high season.

Allison asked if the Board has ever looked at speed limits within the subdivision. Dom provided some background on the topic. The P.O.A. has inquired with the County on several occasions since the subdivision roads are all county roads. Law enforcement will only enforce 25 mph and higher. Therefore, we can post a lower speed but it is not enforceable. Red Mountain Park and the commercial district where there are a higher number of pedestrians and children were identified as two areas to post lower speed limits. It was also noted that Blackstock Drive is a main thoroughfare for a lot of the construction traffic and could benefit from a lower speed limit. The Board requested Dom to open the conversation with the key county folks and consider proposing a 15 mph speed limit everywhere except for Teocalli Road; it would remain at 25 mph. Dom shared that this is a conversation to have with the Metro District and Gunnison County Public Works department. Mary suggested looking into smaller, solar speed signs for key areas throughout the subdivision.

Work Session: Budgeting and Capital Improvement Planning

Due to the length of the meeting, the Budget planning discussion was postponed until the October Board meeting. Dom reminded the Board that the Colorado Common Interest Ownership Act (CCIOA) requires the P.O.A. to publish the proposed budget with a 90-day veto period for members. It was determined that there is enough time to meet the veto period requirements.

Manager's Report

Dom shared a preview of October's agenda items which includes an invitation to participate in the possibility of expanded broadband through the Department of Local Affairs, Region 10 grant. There would be a financial contribution required by the each of the users as a match to the grant. A brief discussion continued on the topic and the Board will discuss in more detail next month.

The basketball court expansion and surface costs were presented. Two companies submitted bids. Both companies quoted for a standard, acrylic finish ranging from \$11,000 to \$15,000. One of the companies also quoted their signature, higher grade, Sport Court finish which has a 20-year warrantee. The Board liked the idea of a more durable surface and longer warrantee and asked for the Trails, Amenities and Parks Committee to review and provide a recommendation.

Identify October Board Meeting Agenda Items

1. GCEA proposed solar garden
2. Department of Local Affairs, Region 10 Broadband grant
3. South Butte, LLC variance decision
4. 2021 Budget review and approval

Next Meeting – Wednesday, October 7th, 6 pm. The Board made the decision to run the meeting remotely in order to improve dialogue between all participants.

Adjourn – 9:56 pm.