

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

CB SOUTH P.O.A. BOARD MEETING MINUTES

Wednesday February 9, 2022

Board members present: Andrew Sandstrom, Mary Haskell, David Neben, Liz Jordan, Allison Butcher, Scott Thomes, Matt McCombs (via Zoom)

Staff member present: Tee Pleak

Community members present: Sue Schappert, Jackie Bingham-Levine, Lay Jutte, Rich Saperstein, Bob Goettge, Matt Feier, Perry Hopper, Chris Ward, Maggie Dethloff, Kay Nettles, Kiley Flint

Andrew called the meeting to order at 6:02 p.m.

Andrew made a motion to amend the agenda to add an executive session after tonight's regular meeting to discuss matters pertaining to legal and staffing.

Liz moves to add executive session.

Mary seconds the motion.

All board members are in favor to add executive session to discuss matters of legal and staffing.

Andrew reminded the public of the Meetings and Conduct Policy.

Public Comment:

Deborah Tutnauer, via Zoom, commented on transparency and public engagement.

Eric Roemer, via Zoom, commented on his support of the commercial district allowing three stories. He requested this to be item on the next ballot.

William Laird and John Brown, together via Zoom, commented on their support of having three stories in the commercial district.

Clark Atkinson, via Zoom, commented on his support of three stories in the commercial district.

Tina Kempton commented on her support of three stories in commercial district.

Rich Saperstein commented on his support three stories in the commercial district and having this issue as a something to vote on.

Matt Santor supports three stories in Pioneer Plaza.

Bob Oken and Seth Novak support three stories in Pioneer Plaza.

Kevin Donovan is in support of three stories in the commercial district

Approval of the Consent Agenda:

Consent Agenda Items:

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- Approval of January 12, 2022, Board Meeting Minutes
- Monthly Financial Report
- Correspondences

Andrew asked to pull the January minutes pulled from the consent agenda. He found some typos to be fixed. Moving forward, members of the public are asked to state their name before commenting, these names will be noted in the minutes. There are some letters from the community regarding the minutes. These letters will be addressed later in this meeting.

Andrew made a motion to approve the January 12, 2022 minutes. Allison seconded the motion to approve the January 12, 2022 minutes. All board members are in favor and motion carried.

Liz made a motion to approve remaining consent agenda items.

Allison seconded the motion to approve the consent agenda items.

All board members are in favor and motion carried to approve remaining agenda items.

Vote on the Sunshine Solar Park Commitment:

Sue Schappert commented on multi-use of the land and asked about a parking garage. Matt Feier from GCEA answered that if the town of Crested Butte were to build a parking garage there, CDOT would require lane development and additional lanes. This is the town's jurisdiction.

Andrew asked about the POA's commitment and payment if project is delayed.

Scott asked about that location and shade. A discussion was held on the shade and the financial off-set.

Andrew entertained a motion to approve the POA's commitment to the Sunshine Park Solar Project

Liz moved to approve the commitment to the Sunshine Park.

Mary seconded, all board members are in favor and the motion carried.

Park Master Plan Update

Mary presents her discussion with Tina Bishop. They made some small changes to involve the community. Andrew reports Met Rec is open to working with us on timing. Mary's next meeting with Tina is tomorrow. There is a Trails and Parks Community Committee, they will be asking for more community involvement.

Year End 2021 Financial Report

No questions by the board on the report.

No public comment.

Presentation on Steps Forward for Covenants Revote:

Board discussion: Legal will be to be involved in a red line side by side with the 1970's to the proposed new covenants. Dave commented that it would be almost impossible & would be very costly to create a side by side. There was a discussion on developing this document.

Dave suggested a 90 day timeline, considering 5 of the current board members' terms will be up in August, 2022. There was a discussion on the revote timeline.

Scott asked if the public committees are necessary. Andrew answered that the public wants to be involved. Scott proposed to use legal. There was a discussion on public involvement and legal

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involvement in developing ballot items. Matt does not endorse opening up to the community to rewrite the ballot. He reminds the community there will be future votes.

Andrew proposes to the board that two additional specific items be called out in the proposed covenants; removal of the 10% dues cap and backyard hens. He wants to vote on these two items. The board agrees. Liz states that the board is conducting the revote because there was a specific problem with how the votes were allocated, not because some people were not happy with the results.

Public Comment:

Maggie Dethloff commenting on her support if committee involvement and wants to be involved in the process. She has started a spreadsheet outlining property ownership and deeds and she has found mistakes in how many votes some properties received. The board thanked Maggie for her time

Sue Schappert commenting on transparency. She wants more items highlighted and brought to vote. She volunteers to be on a committee to identify these items. The board thanked Sue.

Tom Hamilton commenting that both paper and electronic is best for the community. He is asking if the board wants to restate the covenants or amend the covenants. He is in support of restating the covenants and calling out the changes. The board thanks Tom.

Ilene Spector thanks board for their diligence. She summarizes a letter she sent to the board. Her concern is that the format of the covenant documents is confusing. She is requests a redline of old vs. new covenants. She is questioning transparency on the removal of 10% dues cap. Also, she does not see in the proposed covenants the requirement for homeowners to ask for permission form adjoining neighbors to change water distribution. She called out more decision making power to the Manager and the DRC. She is in support of community being involved with rewording covenants. Mary will email a response to the letter she sent to the board. The board thanked Ilene for her time.

Clark Atkinson is asking for the 3rd story issue be added to the new ballot. He comments that the height restriction and two story restriction do not mesh. The board thanks Clark.

Deborah Tutnauer commented that there are more problems beside the vote allocations. She is in support of public input. She questions the 10% dues cap and the 90 day STR limit. She questions where these numbers came from and looking for documentation. The board thanks Deborah for her comment.

Drew Davis is in support of public involvement. He does not find STR and 10% dues caps in previous CASC minutes. He questions where the 90 day number came from. He asked the board to investigate what the community wants. The board thanks Drew.

No more community comments

Andrew makes a motion conduct an owners vote on the restated covenants and restrictions of the CB South Property Owners Association.

Mary seconded.

All board members are in favor and the motion carries.

Andrew makes a motion to have legal counsel to create a redline draft of the 1970's covenants and new proposed covenants.

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There was a board discussion on this topic.

Dave is in support of enhancing the previous work of the CASC committee and creating a document for public to read so they are knowledgeable about what they are voting on.

Tom Hamilton suggests a two-step process; first creating a redline document and second, cross referencing the proposed against the original.

Scott suggests having an attorney create these documents so this is done once, the correct way. He points out that the board continues to be picked apart and they should use the money that the community pays to have this done this done right.

There was a discussion on having an attorney create this document to prevent future community challenges and how this would be paid for.

Mary points out that a lot of the work was done already by Sue Wallace and the CASC.

Maggie Dethloff comments that a document can be created by the community, highlighting changes, and legal can look it.

Andrew makes a motion to have legal counsel draft a redline of 1970 covenants and restrictions as well as an enhancement of the matrix for a summary of changes.

Liz second that motion.

Andrew, Mary, Liz, & Scott are in favor.

Matt, David & Allison are not in favor.

Matt explains why he does not support this: He does not think hiring an attorney to compare the two documents will provide any more clarity. The work put into this is enough. Matt is not opposed to community members enhancing clarification, but to hire an attorney to create a document that has already been created, is not in POA's best interest.

The board wants to clarify what they are voting on.

The board had a discussion on the possibility of creating a redline document comparing the current and proposed covenants.

Allison is in agreement of creating a summary but not a redline document.

Andrew suggests voting again now that there has been clarification.

Allison suggested voting separately on redline and summary.

Tom Hamilton makes a comment to reminds the board that they are responsible for 1000 voting members.

Sue Schappert reminds that it was presented to the community that there would be a redline. She is interested in the summary of changes.

Andrew makes a motion to rescind the previous vote.

Mary seconded.

All board members are in favor, the previous vote is does not carry.

Andrew makes a motion to have legal counsel draft a redline of the 1970's covenants against the proposed restated covenants.

No seconds.

All board members are opposed.

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Liz suggests a committee of interested homeowners will have until a specific date to create document to bring to legal.

Allison is in favor of having community members work on creating summary within a specific timeline. Liz commented that one committee could work on allocations and a different committee could work on the summary document.

Andrew makes a motion to have legal provide an enhanced matrix of the summary of changes of restated covenants.

Liz seconds.

All are in favor, motion carries.

Andrew makes a motion to include language, in the restated covenants to be voted on, that clarify the following; the allocation of votes will be based on deed plat, ratifying the POA's old practice of allocating votes. Also, language will clarify the assessment structure that the POA has historically used.

Dave seconds

All are in favor, motion carries.

Andrew makes a motion to add a ballot question for the 10% cap for the annual dues.

Liz seconds.

All are in favor, motion carries

Andrew made a motion to add backyard hens to the ballot.

Liz second and all in favor.

All are in favor, motion carries.

Tom Hamilton comments about the assessment of clustered lot being assessed at 1.5 times. He has a question about grandfathering.

Andrew made a motion to update the restated covenants section 4.1.2.F to coincide with section 7.5 in the restated covenants to clarify that properties that were clustered prior to this vote are grandfathered in the 1.5 assessment.

Allison seconds.

All in board members are in favor, motion carries.

Deborah Tutnauer is questioning the timeline and google doc from Andrews presentation.

For the record, Andrew asked if board members would be open to public comment to open up vote items? Liz explained that they are redoing the vote based on the vote allocation, are not opening up the vote to new voting items. Chickens and 10% dues are the only voting items being added.

Vote on better microphones for meetings and transparency:

Andrew wants to discuss options for different Zoom set ups and additional transparency. He asked the board if is it a worthy investment. Andrew's research shows this could cost \$2600.

Matt is in favor of investing to incentivize community engagement.

There was a discussion about what better microphone technology would provide.

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Allison is in favor of this but not right now because of budget concerns.
Scott suggested that microphones and devices could become available at a more affordable price as people are having more in person meetings.
Andrew asked Dave to research options.
Mary asked what item line this would come under. Andrew answered computer or telephone and internet
Andrew asked Mary to look into the budget lines to see where this might fit in best.

Letters from the public:

Andrew is comfortable with posting them on the website but not as minutes.
Liz does not support posting letters on the website because there is not a balance.
Allison is in support of this because people would feel heard. Allison agrees with Andrew that these letters should not be a part of board minutes.
Liz cautions about posting nonfactual letters being posted, and then being the perceived position of community.
Matt in favor of a "reading room".
Liz suggests a statement that accompanies the letters that says the letters represent the views of the community members, not of the CB South POA Board of Directors or staff.

Andrew makes a motion to add a section to the meetings and minutes page of the website to post thoughtful community letters.

Scott seconds.

All board members are in favor, motion carries.

Andrew makes a motion to post to the website all recordings of Board of Director Meeting moving forward from this date

Liz seconds.

All board members are in favor, the motion carries.

Andrew opens the discussion of posting board packet ahead of meetings.

Dave does not support this.

Liz wants to table this discussion.

Allison proposes this should wait until we have an Association Manager.

Tom Hamilton comments that he wants board to consider what community is entitled to.

Operations check in:

Tee was thanked for her work in the office.

Ryan is doing a wonderful job grooming the Spann Ranch.

Accounting services: A potential candidate provided a letter of engagement. Dave is reviewing this letter.

Andrew said that there is volunteer waiver.

Scott comments on his check in with Ryan. The bus stop is being treated poorly. This past weekend it was vandalized and trash was dumped in the bus stop. Scott reports that volunteer help is needed with cleaning.

Liz asked if there were steps to hiring a part time maintenance employee. The board thinks there should be an ad in the paper and Ryan will manage this staff member.

There was a discussion about volunteers and how to recruit volunteers for these tasks.

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Dave looked into replacing the Zamboni. Dave reports that Dan Law is constantly fixing it. The sled is also approaching replacement time.

The board thanked Dave for this update.
No public comments.

Update from Hiring Committee

This will be discussed in the executive session.

Confirm March 9th, 2022, Board Meeting Date

All board members confirm this date.

Identify March 9th, 2022, Board Meeting Agenda Items

- Ballot and restated covenants presentation
- Update from voting allocation committee
- Hiring committee
- Tighten & solidify revote timeline

Andrew entertains a motion to move into executive session to discuss matters pertaining to employment and legal.

Liz makes a motion.

Allison seconds.

All board members are in favor, motion carries.

Meeting adjourns at 8:55 p.m.