

**MINUTES
BOARD OF MANAGERS
MERIDIAN LAKE PARK CORPORATION
TUESDAY, JANUARY 17, 2023
4:00 P.M.**

Present by Zoom:

Scott Winn
Dustin Gaspari
Hilary Kunz
Sherri Twilleger
William Hamilton
Allie Cote
Joe Robinson, Toad Property Management
Kurt Giesselman

The meeting was called to order at 4:04 p.m. and quorum was declared.

Will made a motion to approve the minutes of the December 20, 2022 meeting. Allie seconded the motion and it was approved by a majority.

Scott said the draft Design & Construction Guidelines had been posted on the website and an email sent to owners on January 9th. No comments had been received and Scott suggested extending the response period by an additional 30 days. After discussion it was agreed to discuss and possibly vote on acceptance at the February meeting so people had more time to review.

Scott said a lot of trees had been planted on the O'Brien and prior to the snow arriving there had not been noticeable trash on the lot. Scott explained the owners had requested the refund of their deposit. Allie made a motion to refund the deposit. Sherrie seconded the motion and it was unanimously approved.

Mt. Crested Butte Water and Sanitation District "Water District"

The Board initiated a discussion specific to the neighborhood's relationship and ongoing negotiations with the Water District, which have been ongoing for some time.

By way of background, various past and current MLP Board members, Bill Ronai, president of the Board for MLM, Mark Hamilton, water rights attorney, Elizabeth Appleton, attorney representing MLPC, have been involved in the discussions specific to the Water District.

In Q2 2021, the MLPC Board reached out to Kurt Giesselman, former president of the Water District and owner in MLP, to further assist the Board in the evaluation and negotiation of the termination of the existing Memorandum of Agreement on May 9, 1995 (the "1995 MOA"), as amended, and the review / revision / negotiation of an acceptable new agreement with the Water District – the Settlement Agreement.

Kurt Giesselman initiated the discussion. Mr. Giesselman said Marcus Lock, Law of the Rockies, had reviewed the proposed Settlement Agreement on behalf of Mt. Crested Butte Water & Sanitation District. Kurt explained the changes made by Marcus (counsel for the Water District) were generally minor clarifications. Two revisions were discussed in more detail by Kurt and the Board.

- 1) Kurt explained that additional language was proposed by Marcus which would limit the scope of repairs to common areas affected by the need to maintain / replace / access water infrastructure. The changes

limited such repairs generally to restoration of soil, grade and compaction but excepted repair / replacement of asphalt & concrete surfaces. The Board discussed whether the HOA / common areas included any surfaces which might be affected by the exclusion of asphalt/concrete repair/restoration requirements. The Board concluded that the HOA owned little to no common area surface which might be affected by the proposed restoration limitations.

- 2) Removal of the MLP HOA Members as explicit third-party beneficiaries, thus limiting the parties to the Settlement Agreement to the District and MLPC. There was no objection to this revision.

Kurt described the most recent approval process at the District as difficult and not unanimous. Kurt expressed reservations about approval of additional concepts / revisions.

Kurt explained Meridian Lake Meadows and Pristine Point would be entering into their own agreements with the Water District. Kurt stated that the MLPC Board approval and related execution was required to terminate the existing MOA and enter into a new agreement with the Water District. PPOA was expected to enter into a separate agreement, including the conveyance of certain land and real assets to the Water District to facilitate the Settlement Agreement. Kurt expressed optimism that such an agreement would be approved by PPOA HOA and its members. It was acknowledged that certain equipment, including water treatment facility, storage tank and possibly a transfer pump were to be conveyed to the Water District, yet one or more of such assets are located on land owned by MLM. A discussion specific to the requirements to facilitate any MLM approval(s) was had by the MLP Board.

Kurt explained the proposed Settlement Agreement contained all the key points:

1. Water and Wastewater Infrastructure would be conveyed to the Water District with the Water District assuming responsibility for the operation, maintenance and/or replacement of such assets as required to service the needs of MLP customers.
2. Certain rights to the Meridian Lake Park Reservoir No. 1 would be conveyed to the Water District, yet MLP members would retain access for recreational purposes.
3. The current Surcharge of \$36.27/month/ MLP customer would continue through December 31, 2028 and thereafter terminate.
4. Thereafter, the members of Meridian Lake Park will pay the same taxes, fees, rates, tolls, assessments, and charges to the District on the same basis and methodology as all other customers within the District

Kurt suggested a presentation be made at the MLPC annual meeting to educate owners of the changes and the benefits to owners, which include, without limitation, the transfer of the financial responsibility of the Water and Wastewater Infrastructure servicing MLP to the Water District. In addition to routine maintenance, restoration and/or replacement costs, the proposed Settlement Agreement would mitigate potential costs associated with future potential regulatory changes governing water and wastewater systems in an around Crested Butte. Kurt also recommended some owners attend the Water District meeting when execution of the Settlement Agreement is to take place.

Kurt left the meeting.

Scott explained it had been a long, slow process to reach the current draft of the proposed Settlement Agreement.

The MLPC Board agreed in concept to approval of the terms of the Settlement Agreement, subject to review and confirmation by Elizabeth Appleton.

Dustin suggested MLPC, PPOA and, if necessary, MLM, concurrently execute each respective agreement(s) related to the proposed Settlement Agreement. It was discussed that Meridian Lake Meadows (MLM) approval (if required) could require additional steps specific to the conveyance of land or easements.

After discussion, Scott made a motion to approve the latest terms of the proposed Settlement Agreement with the Water District including the amendments proposed by Marcus Lock. Allie seconded the motion and it was unanimously approved. Beth Hise had also given her agreement to Scott for acceptance of the agreement.

Hilary said she would be attending the Trivia evening at the yurt on February 15th and encouraged other owners to participate.

Scott left the meeting.

Allie said Jared Brin had been in contact via email. Ben White, an independent local architect, who would be paid by MLPC, would not be available until April for a viewshed review and that delay was concerning. Photographs had been provided by Jared Brin and Allie had made a site visit during the summer. The viewshed photographs were shown to the Board and Allie said the most recent proposal placed the house 5 feet further back on lot from the original set of plans, which was less than the MLPC ACC had recommended. An architect had not been engaged by Jared Brin to present the most recent viewshed photographs and proposed location of the house, yet the Board appreciated the additional information and attempt to help better understand the viewshed impact of the proposed structure(s).

After discussion, it was agreed a professional viewshed analysis would be beneficial as confirmation of the analysis provided by Jared Brin. Allie agreed to contact Jared Brin and ask if he could have the analysis prepared by a professional quicker than the Crested Butte architects could provide. It was generally agreed the analysis would be acceptable to the Board once a professional had confirmed the house location and related impacts. Ben White would be contacted to discuss an April completion date. Allie and Joe agreed to draft an email to Jared Brin.

William said he had contacted the Wheeler Family about the dogs jumping the fence from a snow pile.

William made a motion to adjourn the meeting at 5:50 pm. Allie seconded the motion and it was unanimously approved.

Prepared by Rob Harper, Toad Property Management