

**LARKSPUR COMMUNITY ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS
TUESDAY, OCTOBER 29, 2024 5:30 PM MST
VIA ZOOM AND 318 ELK AVENUE
CRESTED BUTTE COLORADO 81224**

Present by Zoom: Jeff Duke
Kim Dunn
Mary Poole
Bob Pannier
Rewk Patten
Kevin & Carolyn Schiferl
Don Smolen
Jim Frank
Reeves Family
Louis Dupart
Justin Frater
Ann Gibson
Bart Wilson
Debra Hodge
Sebastian Puente
Rob Harper, Toad Property Management
Erin Dicke, Toad Property Management
Beth Appleton, Legal Counsel

Jeff called the meeting to order at 5:33 p.m. and Erin confirmed a quorum of the Board. Erin explained notice of the meeting had been sent to all owners on October 9 and October 24, 2024.

Kim made a motion to approve the minutes of the September 18, 2024 meeting with the correction of a couple of typos. Bob seconded the motion and it was unanimously approved.

Minutes of the August 20, 2024 meeting would be discussed and approved at a future meeting.

Jeff explained the order of the topics on the Agenda would be adjusted as Beth Appleton, legal counsel, would be participating in part of the meeting.

Jeff said a fee increase was proposed for the Design Guidelines which would cover some of the cost of hiring Bart Laemmel, B2 Building Science, to oversee the approval process for plans and the construction of the homes. Kevin Schiferl had requested that the language in the Design Guidelines be changed to specifically define S & E lots and EM lots (owned by the Fire Department and multi family, deed restricted lots). Beth Appleton did not think it was necessary to specifically address the Rec Lots as the planning application for that land was in the final stages of approval with the County.

Jeff made a motion to approve the Fee Schedule for the Design Guidelines as previously noticed in the local newspaper. Kim seconded the motion and it was unanimously approved.

Jeff explained a delegation clause to the governing documents had been displayed on the Toad website for the past two weeks and if adopted it would allow the Board to delegate some duties, mainly administrative, of the board members to a property management company or other entity. Kevin Schiferl said he supported the delegation of some duties but stressed the need for owners to be given the opportunity to speak at all meetings.

Bob made a motion to approve adding the delegation clause, as written, to the governing documents. Kim seconded the motion and it was unanimously approved.

Jeff explained variance language for the Design Guidelines had been posted in the newspaper for two weeks. Kevin Schiferl had submitted questions and Beth Appleton confirmed the numbering/lettering for the remaining paragraphs in the document would be adjusted as necessary to incorporate the new language in the existing document. Beth explained variances would be considered once construction plans had been submitted. Jeff confirmed at the September 18, 2024 board meeting the board had officially rescinded any prior variance approval for the Crested Butte Fire Protection District (“Fire District”) plans and Jeff said he had communicated that to the Fire District. Kevin Schiferl requested the Board send written notice to the Fire District that the variance request was denied and Jeff confirmed that would be done. Jeff said a copy could be made available to all owners on the website and said the September 18, 2024 minutes were already available on the website.

Jim Frank expressed concern that variance language for the Design Guidelines was being proposed when Larkspur was close to build out and he was not aware of any issues or needs for variance language in the past. Beth Appleton explained the governing documents had not previously addressed a process for requesting a variance and the Board had determined variance language was necessary following comments received from owners. Several owners expressed the request that a variance request require approval of a majority of owners and not just be a Board decision.

Rewk explained the variance language would be necessary in the future with remodels or material changes being considered by owners as well as new construction.

Bob made a motion to approve the variance language for the Design Guidelines as presented. Kim seconded the motion and it was approved by a majority of the Board with Jeff and Mary abstaining.

Louis Dupart said he was willing to join the Design Review Committee and Mary confirmed members of the Design Review Committee supported Louis joining the Committee. Jeff made a motion for Louis Dupart to become part of the Design Review Committee. Kim seconded the motion and it was unanimously approved.

Jeff explained an owner had paid approximately \$3,000 to plant shrubs to help shield the water tank. Concern was expressed by board members that a request had not been made for reimbursement prior to the planting and many owners had made improvements in the past

without requesting or expecting reimbursement. There was not sufficient support to reimburse the owner \$3,000 for landscaping.

Jeff said it had been necessary to replace the Upper Pond aeration pump at a cost of approximately \$2,000. Jeff explained a Colorado company had submitted a proposal to maintain the pond commencing January 1, 2025 at a cost of \$9,000 for treatment of the water. That figure had not been known at the time of preparing the annual Budget. Jeff said he had not been able to meet with the owner of neighboring property to discuss the ability to release water from the ponds and through that neighboring property during the Winter. Flowing water would benefit the health of the ponds and Jeff and Mary said they had been reviewing options. Jeff said he would continue to reach out to the owner of the neighboring property as that option would be considerably less expensive than other pumping options and Mary asked to participate in that meeting. Jim Frank explained Federal and State regulations were very specific with regulations for the historic path of water and Jeff said the flow would not be considered historic. The Association's water attorney had been consulted.

Jim Frank suggested asking the same water treatment company for a proposal for cat tail mitigation and Jeff agreed to look into that.

Jeff confirmed irrigation lines in the common areas had been winterized. Bulbs had been planted and Mary said wildflower seeds had been spread. Mary said four lots had irrigation water leaking onto the lake path and that moisture increased weed growth on the lake path. Mary explained owners had been approached and they had responded. Mary suggested all owners be reminded to avoid the use of harmful fertilizer products which might flow into the ponds and good communication was essential. Erica and Mary were thanked for sharing their knowledge on noxious weeds with owners and for the work they did on the lake path and other common areas.

Erin explained some owners had volunteered for the Short Term Rental Committee and that would be discussed at the next Board meeting. Erin said CB South would have a short term rental ballot going out shortly to their owners and Erin agreed to share the information with the Board.

Mary explained a portion of the lake path was on private property. The owner of that lot did not want vehicles driving across their land and the Design Review Committee requested "no vehicles" signage be installed. Mary said if the owner did not want to continue to allow people to walk across that lot it would be necessary to reroute that section of the path. Jeff agreed to reach out to the owner and discuss the future of the path. The possible purchase of that lot could also be discussed.

Sebastian Puente said the Rec Lot project would hopefully be on the County Commissioner's November 5, 2024 Agenda. Sebastian said if approval was granted utility work would probably not commence until the Spring due to the weather.

At 6:58 p.m. Kim made a motion to adjourn the meeting. Mary seconded the motion and it was unanimously approved.

Prepared by Rob Harper, Toad Property Management

Action Item to Do:	Responsible:
Update Design Guideline and Bylaw Amendment	Board / Toad / Legal
Continue to reach out to neighboring property owner regarding pond	Jeff / Mary
Obtain proposal to cat tail mitigation	Jeff
Circulate to Board the Short Term Rental Committee information	Toad
Reach out to owner of lot by the lake path	Jeff

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