

**TRAPPERS CROSSING AT CRESTED BUTTE ASSOCIATION
ANNUAL MEETING OF OWNERS
DECEMBER 14, 2023– 10:00 A.M.
VIA ZOOM**

Present:

- Bob Bishop
- Tom Sisson & Patricia Osbaldiston
- Tim Pfafman
- Lynn McDermand
- Tom Atkinson
- Debbie Montford
- Jeff Hermanson
- Stephen Standefer
- Jim Utley
- Richard & Diane Clark
- Jordan Ringel
- Jim Houstoun
- Dave Kyle
- Matt Lavine & Amber Wong
- George Nelson
- Steve Loh
- Vanguard Atlantic Ltd
- Ben Schultz
- Christine Moody and Steve Tillery
- Crested Butte Land Trust
- Seth Novatt
- Joel Benisch
- Rob Harper, Toad Property Management
- Erin Dicke, Toad Property Management
- Marcus Lock, Association's legal counsel

Proxy to Lynn McDermand:

- Andrew & Rebecca Cassel
- Win Craven
- Susan Jones
- Seth Lacy
- Kyle Miller
- Jim Nowotny
- Jeffrey Rohring
- Ruby Ridge

Rob Harper called the meeting to order at 10:07 am. Rob explained Marcus Lock of Law of the Rockies, legal counsel, was attending the meeting. Rob introduced Erin Dicke, a new member of the Toad crew. Notice of the meeting had been mailed on November 22, 2023. Rob explained there was a quorum.

Lynn McDermand made a motion to accept the minutes of the December 14, 2022 budget meeting. Jim Utley seconded the motion and the minutes were unanimously approved by those participating in the meeting.

Rob Harper said it had been a busy year for the Association. After the big snow year it had been necessary to have a special assessment to cover those increased costs. Rob said the two gates were currently working. In the past year there had been five house sales and five lot sales and Rob welcomed the new owners to the meeting. Rob thanked the Board for their work during the year, Lynn, Debbie, Tom, Bob and Jeff.

Marcus Lock said the Association had been sued three years earlier by Scenic Butte LLC for a private right of condemnation along Trappers Way to obtain access to land outside of Trappers Crossing. A right of condemnation had been granted by the Court. Marcus explained Scenic Butte LLC had been restricted to building two residences by the Court and the Court also required Scenic Butte LLC to obtain approval from the Forest Service, the BLM and the County. It was difficult to obtain approval from all three entities and Marcus said he continued to monitor on a regular basis and the County application was still deemed to be incomplete. Marcus explained the Association had attempted to negotiate a settlement with Scenic Butte LLC but Scenic Butte LLC did not appear interested in selling the land despite the estimated cost being in excess of \$1M to build a road from the top of Trappers Way, approximately 0.75 miles long. Marcus confirmed the amount of damages for the use of Trappers Way were still with the Court and for future road maintenance and snow plowing Scenic Butte LLC would be required to pay their proportionate share of the expenses. Marcus explained the Scenic Butte LLC property consisted of four parcels of approximately 40 acres each.

Marcus explained the County had been plowing a portion of Peanut Lake Road and the Association, for a number of years, had been paying to have the road plowed up to the parking lot for the Nordic Center trails. Russell Budd of Magic Meadows had been paying for the plowing from the parking lot to the Magic Meadows land but not contributing to the plowing of the earlier part of the road. Marcus explained Law of the Rockies had written to the entities benefiting from the plowing, including Magic Meadows, Crested Butte Land Trust, Nordic Center, Gunnison County and the Town of Crested Butte, asking them to share in the cost of plowing the road. The cost to Trappers owners in 2023 had been \$14,500 and over the last five years the average to plow the road had been approximately \$8,000. Marcus said Magic Meadows, Crested Butte Land Trust and the Nordic Center had all expressed a willingness to share in the plowing costs. The County and the Town were not willing to contribute despite the benefits to the community at large. Marcus said a draft agreement had been sent to Magic Meadows, Crested Butte Land Trust and Nordic Center proposing a cost sharing of 25% each entity. Marcus explained the County is responsible for summer maintenance on Peanut Lake Road (County Road 4) but not for snow plowing during the Winter.

Marcus explained the Crested Butte Land Trust had acquired Lot 1 and placed the land in a Conservation Easement so a residence could never be built on that lot. The Land Trust had requested that dues be waived by the Association on that lot. For some years the Land Trust had paid dues and then the Association had donated the dues back to the Land Trust. Marcus said only a vote by owners could waive the collection of dues and a Ballot had been circulated with the annual meeting documents for owners to waive all past and future dues for Lot 1 TCCB. Marcus explained all owners would cover the waiving of the dues for Lot 1 and under the Colorado Common Interest Ownership Act ("CCIOA") and the Association's declaration, it was necessary for 75% of the entire membership to support the change. Approximately \$40,000 would be waived in past dues and Rob confirmed the Association would not be levying a special assessment on all owners to cover those costs as the costs had already been absorbed by the Association over the years. Marcus said the process to carve Lot 1 out of the Association was possible but more complicated and therefore expensive than the Ballot currently proposed.

Marcus explained there was no tax implication for the Association making a charitable contribution as the Association was a non-profit but individual owners could follow up with their accountant or tax attorney to discuss any potential benefit to individuals. Concern was expressed about the overuse of the parking lot by Lot 1 instead of people utilizing the official parking area closer to Town. Requests could be made to the Land Trust for monitoring of that parking lot and Marcus said the Town Transportation Plan contemplates a potential shuttle service to run from Town to Peanut Lake Road to help with public access to a popular area in both Summer and Winter.

Jake of the Crested Butte Land Trust explained Lot 1 had been acquired in the 1990s and in the 2000s significant work had been performed to clean up pollution from the adjacent mine. That work had made it possible for the parcel to be placed in a Conservation Easement to protect the area.

Marcus explained an easement had been granted by the Forest Service in 1993 to allow residential access to Wildcat over the bridge on Forest Service land. The agreement had a paragraph which said the Forest Service could propose a limited number of new provisions after 30 years. Marcus explained there was a mid-January meeting between Law of the Rockies and the Forest Service to discuss potential revisions to the easement. Marcus said it has been a slow process but felt the Association would be adequately protected in the future by a revised easement.

Rob Harper explained the Ballots for the Crested Butte Land Trust matter should be sent in by December 31, 2023.

Marcus Lock left the meeting.

Rob explained he had been working with Bob Bishop and the West Region Wildfire Council (“West Region”) on fire mitigation efforts. Bob said at the 2022 meeting a special assessment had been approved for defensible space and roadside thinning. Bob explained the project would cost \$250,000 and the Association would be responsible for \$125,000 of that cost. Bob said the West Region had scheduled a contractor showcase during the Summer on the roadside thinning project and it was anticipated that work would start in Summer 2024. The defensible space portion of the project was a little delayed but it was still possible that work would be completed in 2024. Marcus Lock had reviewed Contracts with the West Region and the Special Assessment to owners would be in March 2024.

Tom Atkinson said defensible space work had been performed by the West Region on two lots in Wildcat. Bob Bishop explained some owners had entered into separate grant projects with West Region for defensible space and the balance of that work would continue in 2024. Bob said West Region did not have any additional grant funding available so it would not be possible for any new owners to sign up for defensible space work. West Region would continue to work on obtaining new funding for future grants. Rob thanked Bob Bishop for the significant work he had performed with the West Region on fire mitigation efforts.

Rob explained a 2024 Budget had been approved by the Board at a November meeting. Rob said some expenses were general Association expenses and then there were area specific expenses. Dues would increase by approximately 8% and funds would be added to the Reserve Account. Concern was expressed about the annual increases in dues especially in a year when there would be a special assessment. Rob explained the actual expenses in 2023 were only through October

and there would be additional expenses for the remainder of the year. Tom Atkinson and Lynn McDermand said in the past the Association had acquired two lots which had been sold and that money had allowed the Association to operate for several years without increasing dues. That money had now been spent and Reserve Funds had been reduced. Rob said significant increases in Association insurance premiums could be expected in the near future.

Rob Harper said dues were currently based on 80 lots but if the Ballot passed it would reduce the dues to 79 lots which might increase owners dues by approximately \$60 to \$65 per year. Rob said he did not anticipate any cash flow issues at the end of the year.

Rob said no efforts were currently made to obtain bids from other snow removal contractors. The Board had discussed snow removal contracts and other contractors had been tried in the past. Rob explained any contractor needed sufficient machines and operators to be able to respond quickly and efficiently as each storm arrived and the Board was relying on the existing good working relationship with Lacy Construction to perform the work in a timely and efficient manner.

Matt Lavine made a motion to ratify the 2024 Budget as presented. Tom Atkinson seconded the motion and it was unanimously approved.

Rob Harper explained Lynn McDermand, Tom Atkinson and Bob Bishop were all willing to continue on the Board and no additional names had been put forward. Jim Utley made a motion to appoint Lynn McDermand, Tom Atkinson and Bob Bishop to new three year terms. Matt Lavine seconded the motion and it was unanimously approved.

The next meeting was scheduled for December 12, 2024 at 10 a.m. (MT).

At 11:18 a.m. Debbie Montford made a motion to adjourn the meeting. Lynn McDermand seconded the motion and it was unanimously approved.

Prepared by Rob Harper,
Toad Property Management, Manager