

**MINUTES
RED MOUNTAIN RANCH OF GUNNISON COUNTY
ASSOCIATION, INC.
MEETING OF THE BOARD OF DIRECTORS
OCTOBER 14, 2021**

A meeting of the Board of Directors of Red Mountain Ranch of Gunnison County Association, Inc. was held on October 14, 2021 at 3:00 p.m. via Zoom.

Present:

John Geist

Greg Glosser

MaryLou Skinner

Bill Lacy

Kip Richards

Rob Harper, Toad Property Management

Hannes Gehring, Toad Property Management

Marcus Lock, Law of the Rockies, Association's legal counsel

Rob called the meeting to order at 3:02 p.m. A quorum was established.

John made a motion to approve the minutes for the meeting held on June 16, 2021. Mary Lou seconded the motion, and it was unanimously approved.

Rob said that the agenda was organized to go through legal issues requiring Marcus's advice first.

Marcus said he recognized that Board Members were frustrated with the 455 Oversteeg driveway matter. Marcus said that there were two emails from October 7th to the Board outlining legal counsel's recommendations on how to proceed. Marcus recommended accepting the proposed settlement and he would draft a written agreement that outlined the Board's expectations, a deadline to complete the work, and an agreement on fines and attorney's fees if the work was not completed on schedule. Support was expressed for an agreement, not litigation.

There was a long discussion about elements that needed to be included in the Settlement Agreement. It was generally agreed to propose a \$500/day violation fee if work on the driveway was not completed by June 30th 2022, with a weather contingency. Bill said that the Board needed to review and approve the driveway plans, which would also need to be drawn up and approved by the Fire Department. If "Driveway A," the Board's initial proposal, was not approved by the Fire Department, then plans for "Driveway B," which would be further to the east and utilize the secondary driveway, would also need to be reviewed and approved by the Board. Marcus said that Law of the Rockies would draft the Settlement Agreement and include Driveway A and Driveway B as exhibits and

consult with Bill to ensure that the exhibits were consistent with his expectations. It was generally agreed that, in either case, the unused driveway would need to be reclaimed.

Rob said that in the past, there had been disagreement between the Association and some property owners as to the Association's obligations to snow plow beyond the cul-de-sac on Oversteeg Gulch Road. The Association has concluded in consultation with counsel, that the Association's legal obligation to snow plow or maintain Oversteeg Gulch Road terminates at the cul-de-sac as shown on Exhibit A to these minutes.

It was unanimously agreed that, because snow plowing to the well head is a voluntary, gratuitous decision of the Association, the Association reserves the right at any time to cease snow plowing to the well head and terminate such snow plowing at the cul-de-sac. In no event shall the Association be responsible or liable for the condition of the driveway past the cul-de-sac, and the Association shall not have any obligation to maintain the driveway past the cul-de-sac, and except for the snow plowing authorized by the following motion, the Association shall not maintain the driveway past the cul-de-sac. Specifically, but without limitation, the Association shall not have any obligation for and shall not perform any application of Mag Chloride past the cul-de-sac, the addition of road base past the cul-de-sac, or grading past the cul-de-sac.

Greg made a motion that, in order to avoid further dispute and dispute resolution processes, and in a good faith effort to compromise and settle allegations and claims regarding this issue, and although the Association's legal obligation to snow plow or maintain Oversteeg Gulch Road terminates at the cul-de-sac (as shown on Exhibit A to these minutes), the Association nevertheless agree voluntarily and gratuitously to continue snow plowing to a location adjacent to the well head (as shown on Exhibit B to these minutes). Kip seconded, and the motion was approved unanimously.

There was a brief discussion regarding Board terms. Marcus said that the Board had expressed interest in extending Board terms to 5 years and staggering terms so that only one member's term expired per year. Marcus said it was likely possible to achieve this by amending the bylaws with a two-thirds vote from the Board after sending notice and extending a 30 day comment period to all lot owners. Marcus said he would have a draft proposal ready for review at the next board meeting.

Rob said the next item for discussion was architectural review and noted that Kent Cowherd had agreed to work on the construction plan reviews for Red Mountain. Rob noted a recent increase in architectural review proposals that were very different in design from existing homes on Red Mountain. Marcus observed that the Design Guidelines were 15 years old and not sufficiently detailed. Marcus suggested hiring an architect to expand, update, and improve the Design Guidelines.

Marcus explained that the Association needed a timely process in place to review at the "as built" stage. Marcus confirmed it would be possible to request that the County tie CO approval to the homeowner proving that their build matched the plans submitted and

approved. Rob said that some other associations pay specialists to oversee construction and ensure that building projects were proceeding in accordance with the submitted plans. Marcus reiterated that having clear and sufficient design guidelines would be key. Mary Lou volunteered to take a first stab at researching examples Red Mountain could base their guidelines on, and it was generally agreed that Mary Lou would take this step and then the Board would subsequently take draft design guidelines to an architect to be refined.

Marcus said he had reviewed the letter regarding the Finley Residence, 76 Red Mountain Ranch Road (Lot 35). After short discussion, the Board approved the letter, and Rob agreed to send the letter to the Finleys and their contractor.

There was some discussion about an untidy lot on Highway 135. Rob confirmed he had sent a letter and reached out to the County.

Marcus left the meeting.

Although parking on the road for the homeowners' trail was not currently causing problems it was agreed parking areas might need to be established in the future.

Rob said that the cattle drive had gone smoothly.

The dumpsters had been moved to the new location and Alpine Landscapes had been given permission to begin restoration of the old dumpster site. MaryLou confirmed the right of way and utilities had been marked, and that work was progressing on refining the gate design so the gate could be fabricated. MaryLou agreed to follow up with Alpine Landscapes prior to Lacy Construction moving dirt at the old dumpster site. It was agreed that clean up needed to be completed prior to winter.

Rob confirmed that the dumpsters were currently on a once per week pickup schedule and it was agreed Waste Management pickups would be increased to twice per week starting December 15th. Changes would be made in the future if necessary.

Prior to the meeting Rob circulated a Quarterly Financial Report. Rob said that the Association was looking strong going into the winter and projects were getting accomplished. Rob said the tree removal was approximately \$4,000 over budget and suggested incorporating tree removal into the operating budget in the future. Rob said that the Association had collected two-thirds of the Special Assessment.

Bill explained some history regarding construction on Lot 54 and said according to the County records the house was significantly over the maximum square footage permitted by the Covenants. Concern was expressed about how to monitor construction projects in the future and confirm the finished home was the same as the plans submitted. It was suggested hiring an architect to review plans and somebody to monitor construction and those charges would be paid by the owner. Increasing the construction fee/deposit was

suggested and the amount needed to be sizable enough to serve as a deterrent for building in excess of submitted plans. It was generally agreed that more thought was required before any action was taken in regards to any specific residence currently in violation of the Covenants.

The meeting was adjourned at 4:36 p.m.

Bill Lacy, President

Prepared by Rob Harper,
Toad Property Management, Manager

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EXHIBIT A



EXHIBIT B

