

**TRAPPERS CROSSING AT CRESTED BUTTE ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS
MAY 26, 2022 – 10:00 A.M.
VIA ZOOM**

Present: Lynn McDermand
Debbie Montford
Tom Atkinson
Bob Bishop
Jeff Hermanson
Rob Harper, Toad Property Management
Marcus Lock, Law of the Rockies
Kent Cowherd
Alex Mattes-Ritz

Rob Harper called the meeting to order at 10:02 a.m. and confirmed that a quorum was present.

Debbie Montford made a motion to approve the minutes of the February 18, 2022 minutes. Lynn seconded the motion, and it was unanimously approved.

Rob said that Kent Cowherd and Alex Mattes-Ritz were present at the meeting to answer questions about their design for Lot 19. Marcus said that there was a well that served 3 lots in that area of the Association, which Marcus explained had been set up by the developer, and there were agreements and easements in place to facilitate that well serving those 3 lots. Marcus said that the new owners of Lot 19 had inherited standing in that agreement. Kent said that the 3 lot owners involved in the agreement were not interested in expanding the agreement to include additional parties. Kent said that the well was functional and was filling a nearby cistern.

Rob noted that there was also a question about the setbacks on the lot. Kent explained that the lot was very constrained in terms of the available building area. Alex explained that the remaining buildable lot after applying the 150-foot setback required by the Covenants was impractically small. Tom stated that he believed the owner should be granted a variance and the Board should follow the architect's recommendation to establish the most advantageous building area. Kent explained that the neighboring lot was owned by the same individual, so permission from that lot owner would not be an obstacle. Kent said that there was room on the lot to accommodate septic systems. Kent said that the home would not be visible from town, because it was on the Baxter's Gulch side of the Association.

Marcus explained that the Board had the ability to decrease the setback, but doing so would not constitute a variance, and the request would need to be made in writing.

At 10:20 a.m. Lynn made a motion to go into executive session to discuss legal issues with counsel. Bob seconded the motion, and it was unanimously approved.

At 10:55, Tom made a motion to leave executive session. Lynn seconded the motion, and it was unanimously approved.

Marcus said that there were access easements shown on the Platt for Phases 1 and 2 of Trappers Crossing at Wildcat. Marcus noted that Comment 9 on the Phase 1 Plat and Comment 6 on the Phase 2 Plat, shared virtually identical language, which indicated that, with respect to access easements, all costs, fees, and expenses for the building, construction, maintenance, and snow removal of an access road within the access easement shall be prorated between the lots served by such access easement according to their actual usage thereof unless otherwise determined by the Association. Marcus said that the Board had been evaluating this issue and had identified access easements on the Plats that fall within the purview of these comments and has identified that in certain cases, the Association has been plowing some easements but not others. The Board has been trying to develop an equitable way to treat each access easement show on the Phase 1 and 2 Plats, and has considered the status of improvements on those access easements and has decided that the Association should plow and maintain access easements that serve constructed improvements. Marcus observed that this was a reasonable and equitable way to treat access easements.

Jeff made a motion to exercise the authority of the Association to have the Association plow and maintain access easements designated on the Phase 1 and Phase 2 Plat of Wildcat where such maintenance and snow plowing is necessary to serve constructed improvements. Bob seconded the motion, and it was unanimously approved.

There was a discussion of the Special Assessment for the fire mitigation project with the West Region Wildfire Council. Marcus said that the Association required a Special Meeting, a quorum, and a majority vote. It was agreed that obtaining a quorum would likely require effort by the Board to collect proxy forms for owners. Marcus said that the vote should be to assess whatever amount necessary to meet with the Wildfire Council proposal. Bob said that work would likely begin by Spring of 2024. Although the work would be done in the future, the Association needed to approve an assessment in the amount of the matching funds needed in order for the project to move forward. Bob said that the Wildfire Council needed a letter from the Association confirming the Annual meeting, and then another Budget meeting would be held in December. Rob said that Marcus would need to draft the proxy and provide language explaining the timing of the assessment and the work. It was suggested to use formatting, including different colored paper, to emphasize the importance of reading the assessment language.

It was agreed to hold the Annual meeting in August as usual and to discuss the Special Assessment at that meeting. The meeting would be held Saturday, August 6th. Bob would finish the letter for inclusion, and Marcus would draft the proxy. There would still be a budget meeting in December, the date of which would be advertised at the August meeting.

Rob said that recent heavy winds had knocked over a large number of trees along the roadway, and Toad was working to clean up the roadsides. It was noted the next budget should include an increased amount for tree removal and cleanup. Debbie said that there were significant potholes in the road to Wildcat after the bridge. Debbie asked that the upcoming budget also include funds to begin road maintenance prior to Memorial Day. Lynn noted that the increased traffic of heavy equipment related to construction would likely contribute to the swift return of potholes after Lacy Construction came out to maintain the road. Debbie asked whether Lacy Construction could lay some additional or different road base to prevent wearing of the road. Rob said that he did not know if the Forest Service would allow for paving of the segment of the road that had the worst issue with potholes, but he could find out. There was a discussion of a potential future voluntary assessment for road maintenance or paving. Lynn noted that there would be maintenance challenges with both dirt and chip seal surfaces.

Rob said that Lot 14 wanted was bisected by Saddle Ridge Road, and the owner had requested permission to build a house on one side of the road and a guest house on the other side. Marcus had determined that this was against the Covenants, and the Board was not willing to approve a project that conflicted with the Covenants. The owner had asked Toad to thin some of the trees on his lot that had regrown in areas where the trees had been cut before. Board members agreed that they were fine with the tree thinning project.

At 11:36 a.m., Tom made a motion to adjourn the meeting. Debbie seconded the motion, and it was unanimously approved.

Prepared by Rob Harper,
Toad Property Management, Manager