

**SUMMIT RESIDENTIAL OWNERS' ASSOCIATION**  
**Annual Meeting of the Owners**  
**January 20, 2023 – 3:00 PM**  
**Via Zoom**

**Present:**

Bruce Fauser	Lot 1
Jack Glover	Lots 2 & 3
Mark Miller	Lot 4
Marian Hilpert	Lot 5
Peter Esselstyn	Lot 7
Gary Scott	Lot 8
Casey Schorr	Lot 12
Craig Batchelor	Lot 13
Alisha Knapp	Lot 19
Sandy Funk	Lots 20, 22, 24, 25 & 26
Paul Peebles	Lot 28
Tracey Haas	Lots 31 & 32
David Kopitz	Lot 33
Charlie Berger	Lot 40
Alex Summerfelt,	Toad Property Management

**Proxy:**

Proxy to Peter Esselstyn	Lot 39
Proxy to Tracey Haas	Ross Tidemann, Lot 17
Proxy to Deuce Wynes	Gabriel Barbier-Mueller Lots 14, 15 & 16

Alex called the meeting to order at 3:04 pm. Alex said notice of the meeting had been sent by regular mail and email on January 10<sup>th</sup> and several email reminders. Alex confirmed there was a quorum.

Sandy Funk made a motion to approve the minutes of the February 15, 2022 meeting. Peter Esselstyn seconded the motion and the motion was approved by a majority of owners. Peter said Toad Property Management had mentioned the software AppFolio at the 2022 meeting which would allow owners to use the online portal for payments and maintenance requests but no instruction on how to do that had been provided to owners. Alex explained a link to the online portal would be sent to all owners after the meeting, using the email addresses on file. Owners were encouraged to review the email and use the portal for dues payments or to request any maintenance items as well as being able to review the owners account. Alex explained checks could still be hand delivered or mailed to Toad if owners did not want to use the online portal.

Peter Esselstyn said two lots had sold during the year and Peter welcomed the new owners. Peter explained some construction projects were underway. Charlie Berger said they planned to build in the Summer and plans would be submitted by Ben Somrak. Peter explained Sunlit Architecture would be reviewing the plans on behalf of the Association. Another set of plans for a remodel had been submitted for review.

Peter said the Town of Mt. Crested Butte was working with the new owners of the neighboring parcel of land, the Nevada parcel. Details of the current plans would be available on the Town of Mt. Crested Butte's website. Peter explained a prior Board for the Association had secured ski easements across the Nevada Parcel and a map for those ski easements was available on the Toad Property Management website.

Peter explained West Region Wildfire Council had made a presentation in the Town of Crested Butte to explain wildfire mitigation efforts. Peter said West Region Wildfire Council provided a free service for homeowner associations to highlight the risk of wildfire in the community and the Council had agreed to make an inspection of the Summit in the Summer.

Alex thanked the Board for their work.

Alex explained there were two seats available on the Board. Peter Esselstyn made a motion to conduct the voting by email. David Glover seconded the motion and it was unanimously approved. Alex explained information about the potential Board members would be presented and Alex asked owners to email him with their votes.

Alex said Craig Batchelor and Bruce Fauser were currently on the Board and willing to continue for another term. Sandy Funk and Marian Hilpert had also volunteered to join the Board. As there were no additional names put forward Alex asked the four candidates to introduce themselves and explained information about the candidates had also been sent by email earlier in the day.

Alex asked owners to email their vote for two candidates to [alex@toadpropertymanagement.com](mailto:alex@toadpropertymanagement.com) and he would tally the votes.

Peter Esselstyn said the current Board had worked very well together. Sandy Funk suggested giving owners an opportunity to provide topics for discussion at the annual meeting. Peter explained all owners could provide topics or comments to Alex at Toad prior to the meeting or topics could be presented under New Business at the meeting.

Alex explained All County Survey had submitted a competitive bid for the easement work and would be available to perform the work in late Spring/early Summer and had experience of working in the area. Other bids were being requested. Peter Esselstyn said having the ski easements mapped would be beneficial to all owners and it would be useful to avoid construction encroaching on the ski easements.

Alex said comprehensive financial reports for the 3<sup>rd</sup> and 4<sup>th</sup> quarters would be emailed to all owners as soon as the 4<sup>th</sup> quarter figures were available.

Alex announced Sandy Funk and Marian Hilpert were elected to the Board.

Prior to the meeting Alex had circulated financial information together with a 2023 Budget. Alex explained dues remained at the 2022 level. The Management Fee, Legal and Repair & Maintenance expenses had been increased. The 2023 Budget had a deficit of \$3,360 but with the increase in interest rates it was anticipated that deficit would be offset by increased interest income. Alex said he was researching low risk investment opportunities for the Association's reserve funds. Alex said he had reached out to Community Banks for the current interest rate on the Money Market account. There were no questions about the 2023 Budget as presented.

Peter Esselstyn said the Board had recently discussed short term rentals. Peter explained the Association's governing documents did not specifically address short term rentals and some renters did not act in a neighborly manner and some property managers did not respond to complaints. David Kopitz said he had encountered problems with short term rentals in other areas and the introduction of rules did not always stop the interference with owners quiet enjoyment of their home. Alex explained the 2021 State amendments to the Colorado Common Interest Ownership Act ("CCIOA) did restrict the fines and penalties that the Association could apply. Alex said, in his opinion, the most effective approach was to bring all parties together to talk through expectations and areas of conflict prior to fines or penalties. Alex explained the Town of Mt. Crested Butte issued short term rental licenses and the Town had rules which owners/renters were expected to abide by. Alex said owners could use the Town website to file complaints and at the present time the Town said they had not received any complaints. Peter explained the Town had the ability to deny a short term rental license for two years if complaints were submitted to the Town against that particular house.

Sandy Funk said she had a short term rental house and she had an expectation that the property manager for the house would be active in ensuring all renters abided by the rules and did not negatively impact the experience for others in the neighborhood. Sandy suggested introducing guidelines which would help enforce the rules and have property managers removed if they were not actively managing the rental guests. Paul Peebles said he had never encountered problems with renters at Sandy's house but expressed concern about an unlimited number of short term rental licenses being issued in the Summit. Peter Esselstyn said there were currently four homes, out of the 18 homes, short term renting within the Summit.

Marian Hilpert expressed concern about introducing rules if the problems were generating from one property manager and suggested banning a particular property manager from working within the Summit as a first step.

Peter Esselstyn said in future the Board would sign the approval for the Town of Mt. Crested Butte short term rental license and if the Board had concerns about complaints for a specific rental the Board would be able to refuse to sign the document for the Town. Alex said working closely with the short term rental property managers prior to the arrival of guests would help to establish rules and expectations and reduce potential misunderstandings or problems.

After a long discussion Peter Esselstyn acknowledged there were a lot of options to approach or regulate short term rentals and the Board would continue to discuss as there were many different opinions. Alex explained some local associations required owners wishing to short term rent to make payments to the association with either an annual payment or a per rental payment. Alex said the Board could introduce rules and regulations which were not in conflict with the Covenants.

Tim Gueramy said there was one person most weekdays who parked at the Summit and used the ski easement to reach the slopes. Tim suggested parking signage be put in place prior to the situation getting worse. Peter Esselstyn said there had been problems in the past and Peter provided the Mt. Crested Butte Police non-emergency telephone number, 970 349-6516, and the police would ticket or tow vehicles depending on whether it was a repeat offense. Alex said Toad could place stickers on vehicles parked on private property. Peter explained the Town of Mt. Crested Butte did not permit on-street parking during the Winter months.

Paul Peebles welcomed Sandy and Marian to the Board and thanked Hollywood and Bruce for their service on the Board.

Alex reminded owners holiday lights needed to be removed by February 1<sup>st</sup> in accordance with local regulations.

Alex explained owners did not have to give their proxy to other owners within the community and the annual meeting documents next year would reflect that non-owners could hold a proxy.

The next meeting was scheduled for Tuesday, January 23, 2024 at 4 pm (MT).

At 4:54 p.m. Peter made a motion to adjourn the meeting. Sandy seconded the motion and it was unanimously approved.

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Prepared by Rob Harper, Toad Property Management