

MINUTES
RED MOUNTAIN RANCH OF GUNNISON COUNTY
ASSOCIATION, INC.
MEETING OF THE BOARD OF DIRECTORS
FEBRUARY 4, 2022

A meeting of the Board of Directors of Red Mountain Ranch of Gunnison County Association, Inc. was held on February 4, 2022 at 10:00 a.m. via Zoom.

Present:

Mary Lou Skinner

Greg Glosser

Bill Lacy

Kip Richards

Jason Martin

Rob Harper, Toad Property Management

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

Rob called the meeting to order at 10:08 a.m. and confirmed that a quorum was present.

Greg made a motion to approve the minutes from the January 25, 2022 meeting. Kip seconded the motion, and it was unanimously approved.

Rob said that the Subaru location scout discussed at the last meeting had decided to shoot the commercial in Silverton.

Marcus said that the newest draft of the updated Design Guidelines incorporated several changes discussed at the last meeting, including the addition of a List of Prohibited Materials, increased specificity around permissible fencing, and specification of the appropriate timing for interim construction inspections.

Greg explained that the new Design Guidelines required two construction inspections - one before the foundation was poured, and one after the framing was completed. Rob said that Bart Laemmel has expressed willingness to assist Red Mountain Ranch with the construction inspections if desired.

Greg made a motion to approve the updated Design Guidelines. Kip seconded the motion, and it was unanimously approved.

Marcus recommended posting the Design Guidelines on the Red Mountain Ranch website and notifying the Association of this in the seasonal letter that the Board was preparing.

There was a discussion of the issue of recreational snowmobile usage occurring on Red Mountain Ranch in violation of Article 6, Section 15 of the Covenants. It was reported that owners of property bordering Red Mountain Ranch had also observed individuals trespassing on snowmobiles. Marcus explained that the Association had the ability to fine members who were using snowmobiles in violation of Article 6, Section 15, but that the current fine for a first violation would be \$200. Marcus recommended increasing the fine amount for improper use of a snowmobile on Association property.

Greg made a motion to Amend the Enforcement Policy to raise the fine for a violation of Article 6 Section 15 to \$1,000. Kip seconded the motion, and it was unanimously approved.

Marcus said that there had been consideration of a draft Amendment of the Enforcement Policy in 2020 that increased the fine for a violation of the camping limitation to \$1,000 and increased the fine for a violation of the Rental Requirements to \$2,500. It was determined that this Amendment had never been voted on.

Kip made a motion to Amend the Enforcement Policy to institute a \$1,000 fine for a violation of the Camping Limitation and a \$2,500 fine for a violation of the Rental Requirements. Mary Lou seconded the motion, and it was unanimously approved.

Accordingly, the First Amendment To Resolution of the Board of Directors of Red Mountain Ranch of Gunnison County Association, Inc. Adopting Policies and Procedures Regarding Enforcement, which has been approved by the Board, and which incorporates all three fine increases is enclosed, will be kept with these minutes, and will be posted on the Red Mountain Ranch website.

Rob said that he had emailed a notice about the change to the gate code, which would occur Monday, February 14, 2022. Rob said that he had also sent hard copy letters to members of the Association that did not have current email addresses on file. Rob confirmed that the clickers would continue to work as usual.

At 10:32 a.m., Kip made a motion to adjourn the meeting. Mary Lou seconded the motion, and it was unanimously approved.

Bill Lacy, President

Prepared by Rob Harper,
Toad Property Management, Manager

FIRST AMENDMENT TO RESOLUTION OF THE BOARD OF DIRECTORS OF RED MOUNTAIN RANCH OF GUNNISON COUNTY ASSOCIATION, INC. ADOPTING POLICIES AND PROCEDURES REGARDING ENFORCEMENT

Whereas, the Board of Directors (the “Board”) of Red Mountain Ranch of Gunnison County Association, Inc. (the “Association”) adopted that certain Resolution Adopting Policies and Procedures Regarding Enforcement, effective December 16, 2015 (the “Enforcement Resolution”).

Whereas, Article 6, Section 6 of the Declaration of Protective Covenants of Red Mountain Ranch, recorded at reception number 465230 in the Office of the Gunnison County Clerk and Recorder (the “Declaration”) provides that:

[n]o temporary structure, mobile home, modular home, trailer house, travel trailer, or R.V. vehicle shall be permitted on any Lot¹, except only as may be determined to be necessary during the period of construction of the Family Residence and as specifically approved by the Board. Provided, however, a single motorhome, travel trailer or similar vehicle of any Owner or an Owner’s guest or a tent for camping shall be permitted within the Building Site of a Lot for a period of time which shall not exceed 30 days per year.

(the “Camping Limitation”).

Whereas, the Fourth Amendment to the Declaration, recorded at reception number 521873 (the “Fourth Amendment”) provides that:

Subject to the remaining provisions of Article III, Sections 3 and 6, an Owner shall have the right to lease his Lot in its entirety upon such terms and conditions as the Owner may deem advisable; provided, however, that (a) no lease shall be made for less than a three month period; (b) all leases shall be in writing and shall provide that the lease is subject to the terms of the Red Mountain Ranch Declaration of Protective Covenants, as amended, and Red Mountain Ranch rules and regulations, copies of which shall be provided to the lessee with the lease; (c) a Lot may be leased only for the uses provided herein; and (d) any failure of a lessee to comply with the terms of this Declaration or any rules and regulations shall be a default under the lease enforceable by the Association as a third party beneficiary, whether or not the lease contains such a provision. All leases shall be filed with the Association prior to the start of the lease term.

(the “Rental Requirements”).

¹ Capitalized terms used herein and not otherwise defined shall have the meaning ascribed to them in the Declaration.

Whereas, Article 6, Section 15 of the Declaration provides that:

Snowmobiles, snowcats, snowtractors or other similar motorized vehicles for travel over snow shall not be allowed, maintained or operated upon the Property except only: (15.1) To set and maintain cross country ski courses. (15.2) For access to and from a residence during the winter months, not for use on a Lot (except on a driveway for access). (15.3) To access an area off the Property where snowmobiles are permitted. (15.4) Between 7 A.M. and 10 P.M.

(the "Snowmobile Requirement").

Whereas, the Board hereby finds and concludes that violations of the Camping Requirement can result in significant impacts to property values within the Red Mountain Ranch subdivision, impacts on aesthetics, and impacts on the character and quality of the community. Specifically, Red Mountain Ranch is intended exclusively for residential purposes through the construction of permanent buildings consisting of a Family Residence, Guest House, Garage, and Barn contained in no more than three buildings.

Whereas, the Board hereby finds and concludes that violations of the Rental Requirements can result in significant impacts to property values within the Red Mountain Ranch subdivision, impacts on aesthetics, and impacts on the character and quality of the community. Specifically, the use of Lots within the subdivision as vacation rentals or otherwise in violation of the Rental Requirements can degrade the quiet and quality of life within Red Mountain Ranch, adversely affect the privacy of its residents, cause conflicts between what are essentially commercial uses and residential uses, and increase maintenance and other costs to Red Mountain Ranch residents as a whole. At the same time, the Board recognizes that using a Lot as a vacation rental can be financially lucrative.

Whereas, the Board hereby finds and concludes that the violations of the Snowmobile Requirement can result in significant impacts to property values within the Red Mountain Ranch subdivision, impacts on aesthetics, and impacts on the character and quality of the community. Specifically, the use of snowmobiles not in accordance with the Declaration can adversely impact the quiet and quality of life within Red Mountain Ranch.

Whereas, the Board desires to impose a fine for violations of the Camping Limitation that is of a sufficient magnitude to accurately reflect the impact of such violations on the Red Mountain Ranch subdivision and its residents.

Whereas, the Board desires to impose a fine for violations of the Rental Requirements that is of a sufficient magnitude to accurately reflect the impact of such violations on the Red Mountain Ranch subdivision and its residents *and* serve as an

adequate financial deterrent to the use of Red Mountain Ranch Lots as vacation rentals or otherwise in violation of the Rental Requirements.

Whereas, the Board desires to impose a fine for violations of the Snowmobile Requirement that is of a sufficient magnitude to accurately reflect the impact of such violations on the Red Mountain Ranch subdivision and its residents.

Now Therefore, the Board hereby approves and adopts this First Amendment to the Enforcement Resolution (the "First Amendment") effective as of February 4, 2022, as follows:

1. The fine for each and every day that a violation of the Camping Limitation occurs shall be \$1,000.00.
2. The fine for each and every violation of the Rental Requirements, including but not limited to each night a Lot is rented as part of a lease that is less than a three month period, shall be \$2,500.00.
3. The fine for each and every occurrence that is a violation of the Snowmobile Requirement shall be \$1,000.00.

Except as set forth above, the provisions of the Enforcement Resolution are not amended by this First Amendment and remain in full force and effect.

CERTIFICATION: The undersigned, being the President of Red Mountain Ranch of Gunnison County Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Policy was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting on February 4, 2022.

RED MOUNTAIN RANCH OF GUNNISON COUNTY ASSOCIATION, INC., a Colorado non-profit corporation

By: 
Name: Bill Lacy
Title: President