

**SUMMIT RESIDENTIAL OWNERS' ASSOCIATION
ANNUAL MEETING OF OWNERS
FEBRUARY 15, 2022 – 4:00 P.M.
VIA ZOOM**

Present:

Bruce Fauser	Lot 1
Mark Miller	Lot 4
Timothy Hilpert	Lot 5
Peter Esselstyn	Lot 7
Sandy Funk	Lot 12, 20, 24, 25, 26
Craig Batchelor	Lot 13
Alisha Knapp	Lot 19, 23
Paul Peebles	Lot 28
Tracey Haas & Tim Gueramy	Lot 31, 32
David and Vicki Kopitz	Lot 33
Leisle Chung	Lot 37
Charlie Berger	Lot 40
Chet Boyce	Toad Property Management

Proxies:

Proxy to Joel Vosburg	30 Summit LLC, Lot 12
Proxy to Craig McManus	Summit LLC, Lot 20
Proxy to Paul Peebles	Ian Fisher, Lot 27
Proxy to Deuce Wynes	Gabriel Barbier-Mueller, Lot 14, 15, 16
Proxy Tracey Haas	Ross Tidemann, Lot 17

Chet Boyce called the meeting to order at 4:04 p.m. and said notice of the meeting had been mailed on January 31, 2021. Chet confirmed that a quorum was present.

Craig Batchelor made a motion to approve the minutes of the January 19, 2021 meeting. Peter Esselstyn seconded the motion, and it was unanimously approved.

Peter Esselstyn led the Officers' Report. Peter explained that the Board had determined in 2021 that the Association would benefit from a change of management, and after discussion and research, had selected Toad Property Management as the new management company. Peter noted that there were some bumps in the road during the transition, including the postponement of the 2022 Annual Meeting from January to February. However, overall the Board appreciated the level of professionalism that Toad brought to management of the Association and was pleased with the way things were moving forward.

Peter added that Zoom meetings instituted due to Covid had improved participation in Association meetings, and the Board had decided to continue Zoom meetings moving forward.

There was a discussion of the Summit website. Chet explained that it was up to the Board whether they wanted to continue to maintain a separate website in addition to the Summit webpage on the Toad website. Peter explained that once the Board made a decision on this, they would communicate all the necessary information to the Summit owners. Chet explained that Appfolio is a property management software. Appfolio provides a personal online portal for owners where they can make online payments and submit maintenance requests, but it is not utilized for document storage.

Peter said that the Board had spent some money in the past year to maintain the skier easements, including paying to relocate some utilities that conflicted with the intended path of the groomer.

Peter said that several lots in the Association had been purchased in the last year and welcomed new neighbors to the Association. Peter added that 2 new lots were up for sale in 2022.

Peter said that some construction activities in the Association had damaged neighboring properties without remediation, and as a result the Board was now requiring a review of the agreement between neighbors if a lot undergoing construction had received permission to use a neighboring lot. Peter suggested that anyone pursuing construction refer to the newest version of the Design Guidelines for rules surrounding land use and acceptable hours for construction. Chet confirmed that the new construction hours were 8 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 5 p.m. on Saturday, with no permitted hours on Sundays or holidays. Peter said that if contractors violated the rules established by the Association, the homeowner would be fined.

One homeowner expressed concern that given the shorter building season, the labor shortage, and other constraints in Crested Butte, the new construction hours might be overly restrictive. Peter said that the Board felt that Summit was a residential community first and a construction site second, but noted that the Board would discuss this feedback at a future meeting.

Peter noted that the Board intended to hire a surveyor to mark off the skier easements, and that once this project was completed, it might be necessary to take down some trees to ensure that the skier easement was groomable. There was some discussion of whether there was an existing written contract for grooming with CBMR. Chet said that he would help ascertain the status of the agreement, and would be happy to take questions and requests from homeowners who needed clarification or were having issues related to the skier easements and grooming.

There was some discussion of the appropriate areas for snow storage. Peter said that the Town of Mt. Crested Butte had pushed snow into the wrong lot this winter, and there was a need to coordinate with the Town to make sure snow storage was happening in the appropriate place.

Peter said that there were still some homes in Summit that had holiday lights up. The Town of Mt. Crested Butte required holiday lights to be taken down or turned off by February 1st, and Peter asked that all homeowners comply with the Town's ordinance.

Chet said that the next item of business was ratification of the 2022 Budget. Chet explained that the 2022 Budget was largely unchanged from the previous year, and the Association had come close to meeting the budget for 2021. Ched confirmed that there would be more robust financial reporting for the next meeting, and said he would circulate the 2021 actuals out to all owners after the meeting.

Chet said that he believed some of the owner contact information Toad received from the previous management company may be out of date and asked owners who had not received any emails from Toad yet to please reach out to him via email at chet@toadpropertymanagement.com. Chet agreed to update the contact list and asked any owners who did not want to be included in the directory to please reach out to him.

Peter Esselstyn made a motion to ratify the 2022 Budget as presented. Tim Gueramy seconded the motion, and it was unanimously approved.

There was a lengthy discussion of the recent changes to the Design Guidelines. Tracey Haas expressed her concern that a change in the updated Design Guidelines that restricted the building footprint to one lot was overly restrictive to owners of adjacent lots. Tracey and other owners and proxies on the call expressed concern about the way in which the new Design Guidelines had been passed. Common issues raised included the concern that owners had not received sufficient communication about the changes to the Design Guidelines before they were passed and the concern that the Board may not have given proper notice to the Association prior to voting. Some owners felt that, because the Board had allowed this type of construction to occur on the Swiss House, it should be allowed for all owners. It was also suggested that, given the potential impact on property values, this type of change was inappropriate in the Design Guidelines and should have been introduced via an Amendment to the Covenants, which would have required a vote by all members of the Association.

Peter Esselstyn explained that the Board had determined from past meeting minutes that these new Design Guidelines were actually passed in 2017, but the previous property management company had not properly recorded the change. For that reason, the current Board had cleaned up the previously-approved Design Guidelines and voted on them again. Peter emphasized that the Association's legal counsel had been present for the entire proceeding, and that all changes had been made legally and in the best interest of the Association. Bruce Fauser also underscored that the Association's legal counsel had been consulted every step of the way.

Chet explained that, because a vote on the Design Guidelines had not been noticed on the meeting agenda, it was not possible to hold a vote at this meeting. Chet invited all homeowners to email him their opinions and concerns on the Design Guidelines, which he would consolidate and circulate to the Board. Chet said that, as a first step, he would reach out to the attorney and ask for a review of the process to pass the Design Guidelines, to ensure that all meetings had been noticed properly.

There was some discussion of whether Summit fell under the umbrella of the updated Gunnison County Land Use Regulations, which limited new homes to 5,000 square feet, with an aggregate of 7,000 square feet including adjacent buildings. Chet agreed to consult legal counsel on this matter as well.

Peter Esselstyn made a motion to hold the next Annual Meeting on January 17, 2023 at 4 p.m. Craig Batchelor seconded the motion, and it was unanimously approved.

Peter Esselstyn made a motion to adjourn the meeting at 5:49 p.m. Craig Batchelor seconded the motion, and it was unanimously approved.

A meeting of the Board of Directors would be held immediately following the Annual Meeting.

Prepared by Rob Harper,
Toad Property Management, Manager

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