

THE SUMMIT RESIDENTIAL OWNERS' ASSOCIATION  
SPECIAL MEETING MINUTES OF THE  
BOARD OF DIRECTORS  
CONFERENCE CALL  
JUNE 7, 2021  
9:00 AM MDT

Board Directors Present: Bruce Fauser  
Craig Batchelor  
Peter Esselstyn  
Paul Peebles  
Tracey Haas

Management Company Present: Annalise Smith, Mountain Home Management  
William Laird, Mountain Home Management  
Cori Dobson, Mountain Home Management

Association Attorney: Jon Schumacher

President Peter Esselstyn called the meeting to order at 9:01 AM with 5 of 5 board members present.

**New Business:**

Craig Batchelor stated he had a discussion with Deuce Wynes, general contractor of the Swiss Chalet project. Batchelor explained Wynes would no longer be working on the project effective June 14, 2021. Batchelor stated Barbier-Mueller wants to develop the south end of the lot with a fireplace and re-landscape the property but has not submitted any plans to the Summit homeowners. Esselstyn asked management to get Barbier-Mueller's timeframe for relocating the condensers.

The following motion was made by Craig Batchelor:

**MOTION:** To waive the reading of the minutes of the previous board meetings held January 19, January 22, and May 12, 2021, and approve them as written.

**SECOND:** Paul Peebles

**VOTE:** Unanimous Approval

**Unfinished Business:**

**Response to Marcus Lock**

Esselstyn updated the board on the response to Marcus Lock, attorney for homeowner Lance Windel. Esselstyn explained Lock does not believe the board has the authority to impose the requirement of a bond or letter of credit on his client. Esselstyn clarified that Lance Windel himself offered to provide the additional assurance of a bond or letter of credit. Esselstyn explained that although this requirement has not been imposed on any prior owner, the board does not believe this request is unreasonable when considering the potential risks to the association and owners with adjacent lots. The board discussed their concerns on the matter. The primary concerns are the potential for failure of the lot stabilization plan, abandonment of the project leaving the hillside scarred, and/or damage to adjacent lots or homes. Haas asked if there was liability for just Lance or if the builder and engineer would be liable for any failures. Esselstyn explained engineers accept no liability. The board discussed the level of risk to the association.

Jon Schumacher joined the meeting at this time. Esselstyn reiterated his concerns with the lot with known repeated attempts and failures to build on it. Schumacher stated the board can impose a letter of credit and that he does not believe the request is arbitrary and capricious. Schumacher stated he believes this is a well thought out decision with knowing the history of the lot. Schumacher explained Lock clearly expressed his position on the matter and referenced Section 11 in the Design Guidelines. Schumacher stated he believes the board has a unique situation with this lot and it is within their power to impose a letter of credit. Paul Peebles asked Schumacher where the burden of proof lies. Schumacher explained the burden is on Windel and it is a very high burden to meet which would be to prove the board's actions were arbitrary and capricious. Schumacher stated if the board had no basis, the board could run into trouble.

Haas stated most of the remaining lots are on steep soils. William Laird explained the entire subdivision is on the geo hazardous area and no permit would be issued or engineering done without having a soils report. Schumacher stated he would contact Lock and explain the board's position.

The following motion was made by Peter Esselstyn:

**MOTION:** For Jon Schumacher to express the board's position to Marcus Lock on requiring Lance Windel to obtain a bond or letter of credit to continue the build.

**SECOND:** Paul Peebles

**VOTE:** Unanimous Approval

Tracey Haas left the meeting.

**Lance Windel Design Review**

The following motion was made by Peter Esselstyn:

**MOTION:** To approve Lance's plans for preliminary plan approval.

**SECOND:** Paul Peebles

**VOTE:** Unanimous Approval

**Update to Design Guidelines**

The board discussed updating the design guidelines. Schumacher listed the changes he would be making, per the board.

**Relocation of GCEA Transformer**

Esselstyn stated notice should be given to the new owners for the relocation of the transformer onto their property.

Esselstyn explained the transformer could be moved to the south of Lance's house. Peebles asked if they need permission from the homeowners. Bruce Fauser explained that GCEA asked for the board to obtain permission from the homeowner.

Bruce Fauser asked if the association could get no parking signs placed in the subdivision. Laird stated he will talk with the town and see if they would put some signs up.

The following motion was made by Peter Esselstyn:

**MOTION:** To have management contact the new owners of Bruce St. John's lot to have a transformer relocated to mitigate infringement on skier access. The cost to the association will be around \$9,285 but up to \$12,000. To have no parking signs put up in the neighborhood.

**SECOND:** Bruce Craig

**VOTE:** Unanimous Approval

The following motion was made by Peter Esselstyn:

**MOTION:** To have management contact the Town of Mt. Crested Butte and have no parking signs put up throughout the neighborhood.

**SECOND:** Bruce Craig

**VOTE:** Unanimous Approval

The following motion was made by Peter Esselstyn:

**MOTION:** To adjourn the meeting

**SECOND:** Bruce Craig

**VOTE:** Unanimous Approval

There being no further business, the meeting was adjourned at 11:10 AM.

Respectfully Submitted:

Approved By:

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Annalise Smith, Recording Secretary

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Peter Esselstyn, Association President