

# **CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION**

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61 TEOCALLI ROAD, CRESTED BUTTE, CO 81224  
PHONE (970) 349-1162, WEBSITE: [www.cbsouth.net](http://www.cbsouth.net), FAX (970) 349-1163

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**MARCH 12, 2008**

## **REGULAR P.O.A. BOARD MONTHLY MEETING MINUTES**

Board Members Present: Al Smith, Dave DiBerardino (arrived at 6:15 pm), Erin Dellaporta and Peter Carey. Absent: Don Montgomery

At 6:05 pm, Al Smith, President of the Board, called the meeting to order.

Staff Member Present: Chris Behan and Linda Roberts

Others Present: Deborah Tutnauer, Tim Poppe, Summer Ruckman, Sara Wynes, Gunnison County Dept. Sherriff John Gallowich, Rob Young and Teresa Young.

### **Approval of Minutes and Financials**

Approval of P.O.A. Board Meeting Minutes from previous Regular P.O.A. Board Meeting: The February 13, 2008, Regular Board Meeting Minutes were presented to the Board Members for review prior to the meeting. Erin made a motion to approve the February 13, 2008 Meeting Minutes. Peter seconded the motion. Motion was approved by Al, Erin and Peter. (Dave was not present.)

Financial Report: February 29, 2008, financial reports were presented to the Board including: the Cash on Hand as of February 29, 2008; Bank Reconciliation statements for the Money Market, Operating, Hockey Rink, and Performance Deposit Accounts for the month of February and a summary of CD accounts. Approximately 75% of the 2008 annual dues had been collected as of February 29, 2008. After reviewing the presented materials, Peter moved to approve the financial report as presented for February 2008. Erin seconded the motion. Motion was approved by Peter, Al and Erin (Dave not present).

### **Unscheduled Property Owner Comment:**

Deborah Tutnauer informed the Board that the information sent to the P.O.A. from Gunnison County Met. Rec. District (GCMRD) regarding the TV tower proposal was inaccurate and out of date. The proposed TV tower would be one single skinny tower and would have digital compatible equipment. Deborah will attend the next GCMRD meeting and let GCMRD know that the Board would like GCMRD to address the Board to answer questions. To date GCMRD has not opened any meaningful dialogue with the P.O.A. The P.O.A. is not seeking to exclude CB South from TV coverage through GCMRD.

### **New Business:**

#### **Dogs off Leash Discussion-Investigation of possible "voice-command" alternatives**

The Board had directed Chris to investigate possible "voice-command" alternatives to the current leash law. Chris informed the Board that the leash law is a County Ordinance. The Board cannot change the law, but rather could only petition the County to change the law. Chris sent out an e-mail to our members requesting their input. He handed out a summary of the comments which he received. John Gallowich of the Gunnison County Sheriff's Dept. informed the Board that he had done extensive research trying to find another municipality that had a workable voice-command dog ordinance. Boulder was the only city with any kind of voice-command ordinance, and it is only in effect in certain open space areas and has no certification

process for the dogs. John found that this ordinance was hard to enforce. John emphasized to the Board that since the leash law ordinance has been in effect the dog bites, dog fights and dog attacks are down significantly in CB South. Community safety will be sacrificed if a voice-command law were put into place. He questioned whether changing the law would meet the Board's charge of protecting the safety and welfare of residents of C.B. South. Dog confrontations with joggers, cars, bicyclists, strollers, and other dogs will increase. John would not recommend that the County implement a dog voice-command law based upon his experience and discussion with others at this time. Issues to be addressed include: How do you define what constitutes being under voice-command? How would you certify that the dog is under voice command control at all times? How would police know which dogs are on voice command? Would some breeds be automatically ineligible?

The Board concluded that even if we try to draft a new policy to allow dogs off leashes as long as they are under the voice command of their owner, it would not be supported by the enforcement officers when the policy was presented to the County for change of the ordinance. Based on this conclusion, the Board directed Chris that he should not pursue this issue further until someone presents a viable, comprehensive, written proposal to the Board for review first. The question of whether C.B. South could provide a dog park could be addressed in the future.

#### **Camp 4 Roasting Odors Discussion**

P.O.A. Board President, Al Smith, stepped down from the Board for this discussion. Chris presented the history of Camp 4 to the Board. The current roasting operation of Camp 4 has both C.B. South and County approval (both in 2005). The Colorado Department of Public Health & Environment (i.e. the Colorado Air Quality Division) has made two inspections in the recent months/years and found that the emissions from Camp 4 present no health hazards given the afterburner they have installed to their roaster. Chris has recently received complaints from at least three homeowners about the odors from Camp 4 roasting operation. Chris then sent out an e-mail to members/owners soliciting their input and observations. He presented to the Board a summary of the responses. There were very few additional complaints, a lot of support and a general observation that this was a commercial endeavor in an area zoned for commercial activity. The Board noted that Camp 4 has complied with the required P.O.A. and County procedures, has passed inspections, has installed improvements to mitigate odor problems and has attempted to release odors when it would have the least impact on the neighbors. There are no procedural avenues to require additional odor mitigation. Motion by Peter that the Board take no action at this time. If significant complaints continue the Board can re-open its review. Second by Erin. Motion approved by Peter, Erin and Dave.

#### **CB South Metro District Water Tank Site Plan Review/Approval for Outlot 46.**

Postponed until next month.

#### **594 Bryant Avenue (L10, B16, F#3) Change of Use – Residential with Apartment**

The owners of 594 Bryant (Mortensen's) were denied permission to add an apartment (caretaker's unit) when their design plans were reviewed by the Board on June 12, 2006. When the owners sought to sell their property, it came to the attention of the P.O.A. that the owners had gone ahead with the apartment without approval anyway. Chris presented to the Board the terms of the retroactive approval of the change of use of 594 Bryant Avenue pursuant to the Guideline as follows:

The Mortensen's shall pay all applicable P.O.A. fees and charges are paid at closing, including:

- a. An additional **\$222.81** for the 2008 Annual P.O.A. dues for the "apartment"
- b. The normal **\$100.00** P.O.A. certificate of Assessment fee
- c. A **\$1,500.00** retro-application fee for the "apartment" pursuant to P.O.A. Policy adopted February 15, 2007 – which is effectively a "triple charge" of the \$500 CB South P.O.A.'s Accessory Apartment normal Application Review Fee.
- d. A **\$1,000.00** for what would have been the refundable performance deposit fee for the "apartment" – but this amount is now non-refundable, and owed.

Motion by Peter to approve the change of use retroactively subject to the terms set forth above. Second by Erin. Motion was unanimously approved.

### **Triple Charge Language Modification for work without a permit in CB South.**

It is clear to the Board that the current "penalties" for failure to comply with the P.O.A. design review guidelines are an insufficient deterrent.

Our current language states: "As a deterrent to unauthorized exterior additions and modifications, if a property owner or tenant does any exterior modifications or improvements without documented P.O.A. approval, the offending property owner would be charged a fee that is equal or greater to at least three times the amount of the cost for prior approval for all exterior modifications."

Motion by Peter to change the "penalty" language to the following: "As a deterrent to any unauthorized additions or modifications in CB South, if a property owner or tenant is caught doing or having done any modifications or improvements in CB South, without documented P.O.A. approval, the offending property owner may be charged a fee of up to \$50,000. CB South P.O.A. reserves the right to pursue all legal rights regarding enforcement and may impose other additional terms and conditions as deemed appropriate by the Board."

### **Camp 4 Roasting Room Change of Use Request (from commercial to residential)**

Withdrawn by Al Smith

### **Association Manager's Report:**

**Used Buses from Mt. Express:** Mountain Express will not know until November of 2008 whether it will have any used buses to sell or donate to CB South. Thus the idea of purchasing used buses is on hold until November or until another opportunity presents itself.

**CB South Incorporation Proposal:** A proposal will be forthcoming shortly. The report would be finalized by July 1, 2008 with a draft to review before June 1, 2008.

**Annual Maintenance Expenses:** Current summer and winter maintenance expenses for hockey, snow removal, landscaping, mowing etc. are costing the P.O.A. approximately \$33,000 per year. The Board recommended that Chris place an ad in the Gunnison Shopper and other local papers seeking summer help. In an effort to get a higher caliber worker, he could offer an "End of Season" bonus, or bonus if a preset number of hours were worked or other incentive for continued commitment from the employee through the entire summer.

**Residential Design Guideline updates have been completed:** They will be posted on the website once our website manager has recovered from surgery.

**Farmer's Market:** Chris will call Black Canyon Foods and find out what they want to do. With a Farmer's Market in Gunnison on Saturdays and one in Crested Butte on Sundays, the demand for another one in CB South may be limited.

**Annual Meeting Date/Time – Sunday, August 10, 2008 – 3 PM Meeting, 5PM Picnic.**

**Arbor Day:** Chris reported that nothing is available in an affordable price range of any size. Al suggested that because we have at least 12 acres of common land, we may qualify for trees from Colorado State Forest Service. Chris will follow up.

**Bobcat/Snow removal business for the P.O.A.:** Chris has been exploring the possibility of acquiring a bobcat with a snow blower for clearing the Teocalli path and ice rink/pond. For the time being, the P.O.A. will continue to rely on Metro and Cement Creek Condos.

**Cement Creek Condos Extension:** Their extension on their approval has expired, however, they are still being held up by the County process. Chris will get more information for the next meeting.

**Special Area Regulations Approval/County Review:** Hopefully we are on the County agenda for April. There is a significant backlog between the time an item is presented to the County and the time it is placed on their agenda.

**With no further matters for discussion, Al Smith adjourned the Regular Board Meeting at 8:40 p.m.**