

CRESTED BUTTE SOUTH PROPERTY OWNERS ASSOCIATION

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SPECIAL P.O.A. BOARD MEETING MINUTES

September 25, 2008

Board Members Present: Al Smith, Patrick Wallace, Dave DiBerardino and Peter Carey; Carlos Gonzalez-Brito arrived at 6:20 pm. Regular P.O.A. Board Monthly Meeting scheduled for September 17, 2008 was not held due to lack of a quorum.

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

Staff Members Present: Chris Behan and Linda Roberts

Others Present: Gilbert & Kimberly Frayer, Grant Frerichs, Cane Wilkerson, Laura & Jose Silva, Barbara Bartush, and an unidentified (Anna?) Property Owner wanted to know about becoming a town.

New Board Member Oath of Office Dave DiBerardino and Peter Carey signed the Oath of Office as members to the board.

Approval of Minutes and Financials, Election of Officers

Approval of P.O.A. Board Meeting Minutes from July Regular P.O.A. Board Meeting: The July 9, 2008, Regular Board Meeting Minutes were presented to the Board Members for review prior to the meeting. Dave made a motion to approve the July 9, 2008 Meeting Minutes. Peter seconded the motion. Motion was approved by Al, Peter and Dave.

Approval of P.O.A. Board Meeting Minutes from previous Regular (August) P.O.A. Board Meeting: The August 13, 2008, Regular Board Meeting Minutes were presented to the Board Members for review prior to the meeting. Pat made a motion to approve the August 13, 2008 Meeting Minutes. Carlos seconded the motion. Motion was approved by Al, Pat and Carlos.

Approval of P.O.A. Annual Meeting Minutes: The August 10, 2008, Annual Meeting Minutes were presented to the Board Members for review prior to the meeting. Peter made a motion to approve the August 10, 2008 Annual Meeting Minutes. Dave seconded the motion. Motion was approved by Al, Dave, Peter and Carlos.

Financial Report: The August 31, 2008 financial reports were presented to the Board including: the Cash on Hand as of August 31, 2008; Bank Reconciliation statements for the Money Market, Operating, Hockey Rink, and Performance Deposit Accounts for the month of August and a summary of CD accounts. After reviewing and discussing the presented materials, Carlos moved to approve the financial reports as presented for August 2008. Patrick seconded the motion. Motion was unanimously approved.

Election of Officers:

The Board nominated Al Smith for President. The nomination was unanimously approved.

The Board nominated Dave DiBerardino for Vice President and as the second person with signature authority on P.O.A. bank accounts. (Chris Behan also has signature authority on P.O.A. bank accounts.) The nomination was unanimously approved.

The Board nominated Peter Carey for Secretary/Treasurer. The nomination was unanimously approved.

Unscheduled Property Owner Comment: Anna, asked the Board to explain the current status of Incorporation. Chris explained the Incorporation Study findings. The P.O.A. is now at a point to examine the pros and cons of incorporation, as well as, the goals of the Association membership for the future of CB South. As Crested Butte South grows, incorporation may look more financially feasible.

Request for Variance, Lot 29, Block 26, F4, 99 Gloria Place. Gilbert & Kimberly Frayer requested a driveway variance for their Duplex. They explained that to install the “hammerhead” (drive turnaround space) would require cutting down 4-5 well established aspen trees. Chris explained that without the hammerhead, the driveway is not up to the CB South Driveway Regulations because it requires backing out into the Public Roadway to exit the driveway. Also, the hammerhead was part of the approved plans. The Board discussed the need for consistency and the safety issue involved. The Board determined that this Lot requires 3 parking spaces so that cars can turn around without backing out onto the road. If the plans can be reconfigured to meet this requirement and to Chris’ satisfaction and the plans are red lined to reflect the approved change, the hammerhead shown on the plans would not be required.

New/Continued Business:

245 Teocalli, Unit A – Issuance of a Stop Work Order on Construction of a new and not-yet-approved Shed. Chris issued Grant Frerichs a stop work order on the shed he was building which was not pre-approved by the P.O.A., did not meet setback requirements and exceeded the number of outbuildings allowed on a lot. There is already an existing outbuilding on the lot which also does not meet the setback requirements (or architectural compatibility standards as promised via the shed’s application for approval with the P.O.A.). The Board instructed Grant that he must first complete the P.O.A. application process. The finished structure must comply with the P.O.A. setback requirements and must be either attached to the main structure or the other outbuilding once the existing outbuilding is in compliance with setbacks and design requirements.

Request to Place a Drink Vending Machine in Red Mountain Park from Cane with Apex Vending. Cane Wilkerson presented his proposal for a vending machine selling 16 oz. drinks to be placed outside near the backdoor of Sunset Hall. It would have a sticker on it with his contact information in the event of a need for service. His regular service would be once a week. The machine could be attached to the wall to prevent vandalism and the lighting inside the machine will be turned off. There are recycling bins by the warming house. Payment to the P.O.A. would be 10% of profit. The agreement would be for a 1-year term with the right to review in 3 months. The Board approved this project and instructed Chris to work with Cane to site the placement of the machine and confirm the power needs. Chris was given authority to approve and sign the Agreement on behalf of the P.O.A. Proceeds from the machine will be placed in a fund for future Park Improvements.

Proposed Shed Setback Variance Request for 53 Escalante Street, Lot 26, Block 8, 2nd Filing. Lara Silva requested a setback variance for a 10' x 12' utility shed. Because of the angle of their house on the lot and the snow shed from the house, access into the shed in the winter would be difficult without a variance. The Board noted that the applicant did have other placement options, and this was not a situation of a hardship not created by the applicant. Further, the Board is seeking to apply the rules consistently. Applicant's request was unanimously denied.

Partial Performance Deposit Refund Request for 3618 Bryant Avenue, Lot 7, Block 25, 3rd Filing. John Nichols had requested a partial refund of his performance deposit. He built the house, planted trees and then sold the property. The trees did not live and landscaping on the Lot does not satisfy the Agreement signed by Nichols. The Performance Deposit expired 8/12/2006. Motion by Carlos, second by Peter to deny the Request. Motion was unanimously approved. Chris was directed to write off the Deposit.

Metro District Underground Water Tank Plans for Lot 12, Block 29, 4th Filing. Barbara Bartush asked for further clarification of plans for this Lot. Chris explained that Jack Dietrich is considering purchasing this Lot, and while not seeking a final commitment, he is seeking to determine if the Board is amenable to a change of use for this Lot. Metro would bury a water tank on this Lot, re-grade the Lot, add retaining walls as needed, and put in a driveway for a neighboring lot. The Lot would remain vacant except for a shed for electrical equipment. The Board stated that it would be open to a change of use, provided that the use complied with the P.O.A. noise ordinances, was engineered for safety, was reseeded and landscaped attractively, and the change of use was only for the purpose of a buried water tank for the benefit of CB South. Any actual change of use will need to be presented through the normal review process for actual approval.

Commercial Area Pedestrian Area Easements Discussion. Board member, Al Smith, stepped down and left the room. Chris asked the Board for guidance when negotiating with Al Smith, Jerry Deverell, Eric & Joyce Lamb and Pines Condo Association for a pedestrian easement between these properties. The P.O.A. would be responsible for a split rail fence with wire mesh, rock & reseeding the area on the sides of the path, legal expenses and recording, and insurance coverage. The path on each lot would be approximately 5-feet wide and 327-feet in length. After discussion, Pat moved that Chris should offer each Lot a P.O.A. dues credit of \$3,000.00 which would run with the land regardless of the use or owner (i.e., whether the Lot was vacant, residential, commercial or multi-family, the amount per Lot would be \$3,000.00) Carlos seconded the motion. The motion was approved by Pat, Carlos, Peter and Dave. Chris will present this to each of the 4 owners in the near future and keep the Board apprised of the responses to this offering.

CB South Special Area Procedures and Regulations (SAR) Adoption. After discussion, there was a motion by Dave to approve the Adoption of the CB South Special Area Procedures and Regulations. Peter seconded the motion. The motion was unanimously approved. Chris explained that the SAR requires a Design Review Committee (DRC) which is appointed by the Board. The DRC requires 5 members and we would like 2 alternates. Chris has had several individuals express interest in serving on the DRC. Chris will send out bios of the applicants to

the Board members prior to the October 8th Board meeting. There are projects waiting, so it is important to get the DRC established. Under the SAR, any request for a variance still goes to the Board first.

Association Manager's Report

Chris informed the board that he plans to put the names, photos and short bios of each Board Member on the website. The contact point shall still remain Chris.

With no further matters for discussion, Al Smith adjourned the Regular Board Meeting at 9:45 p.m.