

SNOWMASS HOMEOWNERS ASSOCIATION, INC.

RECORD OF DIRECTORS MEETING PROCEEDINGS

A meeting of the Board of Directors of the Snowmass Homeowners Association, Inc. was held on Tuesday, February 1, 2022 Mountain Time in person and via ZOOM teleconference.

ITEM NO. 1: Call to Order & Establish Quorum – Mr. Burrus called the meeting to order at 4:05PM.

Directors Present Included: Gene Burrus, President, Gus Oliver, Vice President, Jami Lee Ferraro, Secretary/Treasurer, Worthe Holt, Director, Jack Lafield, Director, newly elected Board Member Deborah Madsen, Norbert Hansch, Director and Michele Clements, Director

Others Present: Gary Doehling, Cody Truscott, Abby Truscott, Al Truscott, Kali Sinclair, James Trapp, Paul Taddune, Snowmass Homeowners legal counsel and John Kenny and Val Loughman of the Romero Group.

ITEM NO. 2: Determine a Quorum Present: It was determined that a quorum of board members was present.

Mr. Burrus welcomed Deborah Madsen to the board as a new member.

ITEM NO. 3: Open Forum for Discussion: Mr. Burrus opened the forum stating that the board wanted to respond to the Doehling's complaint letter dated January 16, 2022 regarding the Truscott's at 281 Lemond Place short term rental and noise concerns. Mr. Burrus explained the procedure for both parties' statement and answer sessions.

Mr. Doehling, stated he lives at 303 Lemond Place, next door to 281 Lemond Place and has lived there for 10 years. Mr. Doehling mentioned he doesn't feel the owners of 281 Lemond should blatantly violated the covenants at the expense of the neighbors. He mentioned many times they have had to call the police regarding noise by renters at 281 Lemond Place. Mr. Doehling is asking for enforcement of the covenants. He feels the problem is related to renting to large groups. The Doehling's feels the larger issue is to preserve the single-family communities from short term rentals. He noted this is an issue throughout the community and country. He is wanting the Snowmass Homeowners Association (SHOA) to enforce the covenants. He noted the letters sent on December 13, 2021, sent to the owners of 281 Lemond and January 16, 2022 sent to the SHOA details all the complaints. Mr. Doehling mentioned violations relating to Wild Ridge II declarations and lot restriction provisions. He feels there are clearly violations regarding, quantity of people renting per occasion, noise disruption and number of vehicles being parked at 281 Lemond Place.

Mr. Burrus asked if any board members had any questions. Mr. Burrus asked Mr. Doehling if he has reached out to Mr. Truscott. Mr. Doehling reiterated his complaints mentioned previously. Mr. Oliver, asked to define the noise and if a decibel reading was done to determine level of noise and time of noise complaints. Mr. Oliver felt the use violation was

outside the SHOA authority if someone can rent their property. Parking on the street is a city issue.

Mr. Truscott stated he lives at 281 Lemond Place. He explained lot restriction and stated 281 Lemond Place is a single-family residence and is not violating lot restrictions. Also, noted he doesn't feel he violated any business activity. He noted vacation rentals such as VRBO are not prohibited by covenants that prohibit business or commercial uses and is consider a residence use of the property. He stated he has a copy of the decision noted and presented a copy of the report to SHOA board. Also, noted were the alleged occupancy violations. Mr. Truscott explained how he adjusts the home sleeping for number of rental occupants and stated they are complying. He noted the Truscott's family and extended family uses the 281 Lemond Place residence on average 4months a year, with the house being designed for a large family use. He noted the parking pad is large and can safely and reasonably hold 6 vehicles, even though that is something he would like to redesign and reduce the parking pad in the future. Mr. Truscott, reached out to VRBO to discuss letting renters know they needed to limit the number vehicles, and was told by VRBO the rule needed to be added to VRBO customer rules. That is something Mr. Truscott has changed on his website listing. Regarding noise, the SMV police have responded to noise calls, however, Mr. Truscott noted there have not been any citation issued to his renters.

Mr. Taddune asked Mr. Truscott how many renters a year he has; Mr. Truscott said about 15. He was asked if occupancy limitations for use is for one family or guest, and as alleged then 10-15 teenagers using the home does not fit the guidelines. Mr. Truscott stated they have not rented to a large group or for use as a dormitory and agreed that it would be a problem if renting to that large number teenagers. He was asked if there is a noise disturbance by the Doehling's, what do you do. He stated Mrs. Doehling has his phone number and he is "always" available to pick up her calls, which has happened on several occasions.

Mr. Burrus asked if there are any board questions. Mr. Oliver stated if there were any police citations, the board needs to reference first the citations and then the board can move forward to address the complaints. Mr. Burrus asked what noise devices Mr. Truscott uses to monitor the decibel levels. Mr. Truscott showed the device he has installed at 3 locations inside and outside his premises and property and stated continually receives monitoring information from the devices when in use. He stated he has reached out to the Doehlings to see what they felt is an acceptable level. The Doehling's declined the invite. Mr. Burrus asked Mr. Doehling if he had anything else to say; Mr. Doehling stated Mr. Truscott is asking for accommodation of the violations or covenants and should be allowed to do this. Mr. Doehling feels that is not true, enforcement is needed to follow the covenants.

Mr. Burrus asked if anyone else had comments that were on the call. James Trapp, part time residents, stated his experience and said they bought their home as a single-family resident. He feels the board needs to notify all real estate agents, property manager companies and vacation planners that properties within certain areas are single family residences.

Mr. Al Truscott stated he owns the house at 281 Lemond Place with his sister since 2005. He wanted to direct attention to 5.1 lot restrictions. A "resident structure or complex design to accommodate", not it will accommodate. This is a requirement reference to a type of building not who should be living in the building. It was based on legal counsel that was provided to the Truscott's and is the reason the Truscott's do not believe they are in violation of covenants.

Kali Sinclair, lives at 118 Lemond Place, just below the Truscott's home and is a long time Roaring Fork Valley resident. She feels the board needs to consider looking at the guidelines for homeowners operating short-term rentals. She explained some disruptions that occur from short-term rentals in the neighborhood.

Ms. Ferraro stated the board appreciates owners coming to the board with short term but isn't sure how far the SHOA can go with this issue.

Mr. Taddune asked Mr. Truscott if he had a business license, Mr. Truscott said that the TSV reached out to all owners that rent short-term and business license have been issued.

Mr. Taddune mentioned every owner governed by the association has the independent right to bring action to enforce the covenants and suggested it might be of interest for each party to try to work things out themselves.

Ms. Abby Truscott, Cody's wife, commented that they have hired legal counsel and they have been advised they are legally within the guidelines. She noted that they feel their hands have been tied, since Mr. Doehling has stated they are not to speak to him any longer unless through his legal counsel.

ITEM NO. 4: Move to executive session:

Mr. Burrus moved to enter executive session to investigate proceedings to consult with legal counsel at 4:49pm.

Motion was made to come out of executive session and executive session ended at 5:10pm.

ITEM NO. 5: Approval of Minutes from December 15, 2021

Mr. Burrus asked for a motion to approve the December 15, 2021, meeting minutes as presented.

Mr. Lafield made a motion to approve the meeting minutes from December 15, 2021; seconded by Ms. Clements.

The motion passed unanimously.

ITEM NO. 6: Executive Directors Report: No discussion

ITEM NO. 7: Treasurer's Report: Mr. Kenny stated the 1st Qtr. Financials ending January 31, 2022, are being prepared. With the 2021-2022 budget recently ratified, the Associations assessment will be sent to homeowners by February 4th.

ITEM NO. 8: Discussion Filling Stan Clauson's vacated board seat: Mr. Burrus asked for suggestions to fill the seat vacated by Mr. Clauson. Mr. Burrus proposes an executive board make suggestions and then the board votes on the suggestions.

ITEM NO. 9: Officers Elections: Mr. Burrus mentioned he is willing to stay on as President. Ms. Ferraro asked Mr. Oliver if he is interested to stay as Vice President. Ms. Ferraro nominated Deborah Madsen as Vice President.

Mr. Burrus called a vote, the nomination went unanimously for Deborah Madsen.

Mr. Oliver resigned from the board.

A motion was made by Mr. Burrus for Ms. Ferraro to remain as Secretary / Treasurer, the motion passed unanimously.

ITEM NO. 10: Old Business - Mr. Burrus noted that he recently took some old common area plats to be scanned so they can be put on the website, which help anyone that wants to see what the neighborhoods looks like. He also received plats on record from the county clerk.

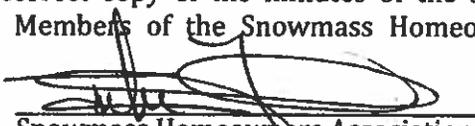
ITEM NO. 11: New Business - Mr. Burrus mentioned he and Mr. Kenny met with John Mele from the Snowmass Fire District and discussed fire mitigation.

Mr. Norbert commented that the TSV is planning on taking more parking spots from the rodeo area and feels that it something the board should keep their attention on.

ITEM NO. 12: Adjournment: Mr. Burrus adjourned the meeting at 5:22pm.

The foregoing minutes constitute a true and correct copy of the minutes of the above referred meeting and were approved by the Members of the Snowmass Homeowner Association, Inc.

2/16/22
Date of Approval


Snowmass Homeowners Association
Secretary / Treasurer
Jami Lee Ferraro