

Snow Lion Homeowners Association
Board Meeting Minutes
March 20th, 2019
Teleconference
5:30 p.m.

Board Members Present:

Jeremy Atencio	Megan Knies
Thomas Haney	David Lysaught

Owners Present:

Brett & Ashley Foy	Ellen Pollan
Mark Jones	Gerald Shea
Sharon Kendall	Nancy Erwin
John Suczynski	Paul Reichel
Genevieve Ormond	Robin Rathke

Association Attorney Present:

Wendell Porterfield

Management Present:

Steve MacDonald
Abel Vega

Attachments:

Memorandum from Wendell Porterfield

Meeting Called to Order at 5:41PM

Approval of Last Meeting Minutes

Jeremy motioned to approve the Last Meeting Minutes. Tom seconded the motion. All were in favor.

Financials

Steve spoke to the financials stating there is currently \$345,000 in total cash. \$220,000 of this total is in the special assessment account.

Maintenance

The retaining wall, pool area, and interior remodel are the capital projects first being planned. The pool area relies on settling the lawsuit with SF. The design and plans can be started once that is settled.

Old/New Business

The Retaining Wall

To begin work on the retaining wall, there will need to be a contour survey done before a soil test can be performed. There are two options to be considered: 1.) to extend parking which is the most expensive option, 2.) focus on the necessary repairs only which would be the most cost-efficient option. Any approved work is based on the weather going forward.

Lawsuit

Jeremy and Wendell Porterfield, legal counsel, spoke to the lawsuit and settlement negotiations. The board wanted to determine if the proposed settlement agreement generally met the expectations of the owners or if the owners preferred to take the lawsuit to trial. After the discussion, Thomas Haney made a motion for the Board to continue with the settlement negotiations. Megan Knies second the motion. The Board unanimously approved. All owners that were still on the call were in favor.

The following is based on statements by Wendell Porterfield regarding the proposal: Wendell stated that the retaining wall is in Parcel "C" which is owned by SF and SL does not have the right to do any work there. SL will not, in the future, be able to make any changes that increase the drainage onto SF's property. The back-patio entry for unit 101 would be relocated and will utilize a new door at the top of the stairs. The proposed agreement would keep SF's ownership for Parcel "E" with the same easements as the ones that are in place today for SL. SL would eliminate their current storage sheds and relocate them to where the pool shed is currently standing. Ellen Pollan voiced her concerns regarding how the new storage sheds would affect her view corridor. Wendell stated that any structure would need to be approved by the Association Board and the Town of Vail before being built. He wanted to be sure owners understood that SL is not giving up their rights to what happens to Parcel "E". SF & SL both agree the pool should be removed. Final plans have not been formalized. Parking will remain the same for Parcel "E" in the future. Nancy Erwin wanted to know if SF would be willing to share or rent their parking spaces in Parcel "E". Wendell believes that SF does not want to share or make any changes to their spaces in Parcel "E". Wendell strongly proclaimed that all changes of use or developmental plans would need to be approved by both parties before any changes can be made.

Jeremy stated that the benefits of this agreement would be; the lawsuit would be settled, any title questions would be settled, maintenance would be clarified, and SL could begin their planned improvements. Sharon Kendall stated she objects to the proposal and Genevieve Ormond agrees. Jeremy stated that none of the attorneys they used for council have given them the confidence to go to trial. The estimated cost to go to trial would be in excess of \$100,000 with a real possibility of making no progress beyond what has been accomplished as of this meeting. Paul Reichel asked how the association would proceed, if SL were to move forward with the agreement today? Wendell reconfirmed that all parties (SF&SL) would need to approve the agreement and that the SL board has the right per the association governing documents to approve the agreement without a vote of the owners. Jeremy quickly stated that he would like the owner's approval before going forward with an agreement with SF. Wendell also confirmed that if one of the two parties (SF&SL) does not approve of the agreement, the lawsuit would then go to trial. There were concerns voiced

about the parking situation in Parcel “E” and along Vail View Drive. Wendell confirmed that nothing would change compared to the way things are as of this meeting.

Thomas Haney made a motion to approve the proposal. Megan Knies seconded the motion. The Board unanimously approved. All that were still on the call were also in favor.

Next meeting will be TBD

Meeting adjourned at 7:11pm.