



Board of Directors Newsletter February 9, 2017

Dear SMC Owners:

Your Board of Directors met in Snowmass Village for the annual mid-year Board meeting on January 28th. Four owners of three units (C-1, D-4, and J-3) were present as observers.

Finances: Treasurer Chris Madigan reviewed financials to date and noted that the projected budget for this year was largely on target. Notable was a smaller expenditure than budgeted for contract services because MMM has handled many such items (mechanical repairs, maintenance) in-house at considerable savings to the HOA. Management noted that labor costs associated with daily opening and closing the pool have exceeded its allocated budget. To save costs, management recommended keeping the pool covered at all times during the winter, with owner/guest notification when they would like to use the pool via email to on-site manager Jeff Schwitters (mighty4@mightyousemanagement.com). Chris also asked management to ensure that the portion of quarterly assessments earmarked specifically for the major maintenance reserve account be kept separate from operating accounts. Owners will recall that the HOA is in the second year of a three-year annual 15% increase in major maintenance assessments to build up those reserves against anticipated future capital expenses.

Capital projects: Replacement of hot water heaters in the B and C Buildings this spring will complete this complex-wide project. Stone siding and patios will be surveyed this spring to determine needed repairs; some patios installed in 2011 show foundation cracks and need attention. The Board discussed replacing the pool (at \$400,000) versus other projects and once again concluded that the pool is a desirable amenity, but that other projects should take precedence, such as the replacement of windows and doors and repair/replacement of siding throughout the complex. Two smaller projects - the redesign of the upstairs area of the amenity building and the repair/replacement versus closure of the path behind the upper buildings that leads to the HOA-owned land above -- were discussed. The Board voted to consult a design firm for ideas about refurbishing the amenity building areas and to have management look into the feasibility and cost of repairing or repositioning the path.

Owner Concerns: The several owners in attendance voiced concern over the large, noisy groups that are renting units, echoing Board members' concerns. A long discussion was held on the Association capabilities in enforcement and control. Stan Stokes of MMM said he had been contacted regarding several situations over the past few weeks, but he emphasized that under the

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management agreement with SMC HOA, MMM is not responsible for the renters or management companies contracted by individual owners. He noted that large group rentals occasionally have a security person available to handle complaints, but Stan repeated that this type of enforcement is out of his jurisdiction. Even so, Stan has contacted First Choice Properties (FCP), which manages many individual units at Snowmass Mountain Condos, to ask for better control of noise and offensive behaviors. Stan noted that the police had been called in some cases, which is the proper procedure at SMC but does not always seem effective.

The Board agreed to adopt a no-tolerance policy toward large, unruly group renters. A letter will be sent to owners and their unit management companies expressing concern and asking that preference be given to family or small group rentals in our complex rather than busloads of value-renters (often ski clubs and college groups). If an owner is contacted with a complaint from MMM, it is with the expectation that they, with their rental agency, will take steps to correct the situation immediately. In the event that this is not done and there is a recurrence of the same problem, the Board agreed to impose a fine of \$500 on that owner.

Following the Board meeting, Greer Fox met with the TOSV Police Chief Brian Olson to investigate further how disturbance calls are handled; specifically, what happens when the police receive a call at, say 3:30 am, about excess noise? In response to disturbance calls, police visit the offending unit, discover who's in charge, talk to him/her, very rarely write a citation, may stay awhile to ensure noise has abated, and may circle back later to make sure things are quieter. He said one visit is almost always effective in taking care of the complaint. It's only with a second call, i.e., a callback, that a citation is issued. If the first call has not been effective, a second call to the police should certainly be made. Chief Olson emphasized that noisy parties are generally not against the law (they would need to violate the town's noise ordinance), and police are not responsible for implementing the rules and regulations of the complex re quiet hours and offensive behaviors. He did encourage people to call, however, and said people don't have to worry about creating bad outcomes for youthful offenders, e.g., a misdemeanor or felony charge on their record. "We are a resort community....we want people to have fun while they're here." So the police rely on gentle mitigation, not forceful policing.

Management Concerns: MMM has completed its first four months as the new manager of HOA property in common, and time was set aside to assess Board perceptions of how well MMM was doing and discuss any Management concerns. General response from the Board was favorable, especially noting the proactive and self-initiated focus on mechanical issues and finding permanent solutions to maintenance problems of long-standing. MMM noted learning curves and some growing pains but remains committed to maintaining the property to the best of their ability. One area of difficulty has been managing individual owner expectations -- that is, owner misperceptions of the management company's responsibilities for the HOA property versus individually owned units. The Board agreed that this is a work in progress and will try to assist both owners and management where interests collide or are misunderstood. For instance, owners who lock themselves out of their units need to call a locksmith; their renters need to call the company from whom they rented the unit; MMM is NOT the place to call. Owners who need a ride to the airport

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need to call a taxi; they should not expect MMM personnel to drive them there or to hoist their luggage to the driveway.

Other matters:

Insurance: The Board will be increasing the insurance coverage for the property of the HOA to its full replacement valuation, or \$22,727,797. As was noted at the summer HOA meeting, the Woodbridge Condo complex requested that the joint insurance policy with SMC be terminated.

Owners contact information: 22 owners have yet to respond to several requests for contact and related information and will be telephoned by a Board member for this information.

Management access to units: a few units are inaccessible to management and are in violation of HOA rules. It is essential that Management be able to access each unit in case of emergency to comply with The Snowmass-Wildcat Fire District requirements.

Release of email contact information: Neither the Board nor Management will intentionally release email contact information to anyone, even other owners. Owners are reminded that there is an Owner Contact Directory on the Owner's website containing contact information from owners who have voluntarily made the information available for the use of other owners.

Email notification for Right of First Refusal: The Board will not release email addresses of Owners to realtors (see above). Our Declarations clearly state that to be valid, ROFR notification must be done by USPS mail. We note that some realtors are sending out e-mail ROFR notifications despite being made aware by the Board of the requirements of our Declarations. This is their decision, but they run the risk of a subsequent challenge to the ROFR process execution if they fail to follow the process defined in our declarations. Realtors can access owner information quite easily through on-line Pitkin County Assessors Office records.

Summer HOA Meeting: The annual HOA Owners meeting is set for August 26, 2017 at 1:30 pm MDT in the Conference Room of Building A. The Board will meet on-site on June 10 and August 25, 9-5 pm MDT in the Conference Room. Board meetings are open to Owners.

Note that as referenced above, we have a new Property Manager on site, Jeff Schwitters. The previous person, Johnathan Dunn, decided to leave MMM and Jeff has taken on the same phone number (970-618-4095) and e-mail address (mighty4@mightymousemanagement.com).

Your concerns, questions, and comments to any member of the Board are always welcome and will be responded to as best we can.

Sincerely,

Your Board of Directors

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