

**Cedar Mesa Ranches HOA  
Board of Directors Meeting  
July 12, 2004  
Mesa Verde AA Campground  
7:00 – 8:30 pm**

**In attendance:** Board Director's, Terry Micheal, Lisa Liljedahl, Susan Bryson, Nancy Schaufele and Suzanne Duke. Lot Owner's, Gary & Cheryl Brodhagen, Doc & Michelle Charbonneau, Chris Schaufele, David Nigteagle, Jim & Ruth Bignell, Jackie McNeill & Cindy Swan, J. Bone and Brian Johnson. Visiting, Matthew Rossy.

**Meeting called to order at 7:10 pm.**

**Approval of June Minutes:** The minutes are approved as written.

**President's Report:** Terry Micheal

- Terry has had several opportunities to meet many of the out town members this summer. Many have expressed their deep appreciation for the work the board is doing on their behalf.
- A letter was sent to Mr. Anderson on June 16<sup>th</sup> providing a response to his question at the last board meeting with respect to the definition of "nine months in a given year" in our Covenants. This was discussed with the HOA attorney, Mr. Rasure, and we are told that this means any nine months in a given year, not consecutive or calendar, but any random nine months, or sporadic nine months in a year.
- **Covenant Violation Report:**
  - Many lot owners have complied with the thirty day notice and have moved their recreational vehicles. There are some new violators (not identified previously) and letters will be sent out later this month. Terry will be filing liens on those property owners who have not complied.
  - The letter sent to Lot #6 has been corrected. The violation is on Lot #7 and a violation letter stipulating a 30 day notice will go out later this month.
  - Terry will address the board's position with respect to Lot #19.
  - Further investigation is pending on Lot #93 concerning an alleged yurt/tent.

**Financial Report:** Lisa Liljedahl (acting on Steve's behalf)

Please see the attached report. Lisa submitted the weed invoice to the county for 50% reimbursement. The cost of chemicals skyrocketed this year and we will try to get one more spray completed before the season ends. All the roads were sprayed this year. It's just a bad year.

Nancy made a motion to accept the Financial Report as submitted. Suzanne seconded the motion. Motion unanimously passed.

**Road Update:** Lisa Liljedahl

- We have installed a nice bar ditch on the southwest side of road 35 beyond K.3 and hope this takes care of the erosion problems.
- We need moisture before we can blade the road.
- The guardrails will be installed before the season ends.
- We have 10 miles of roads (20 miles for both sides) and bar ditches still need to be dug, culverts installed, etc. It's an ongoing problem with limited funding.

**Design Review Board:** Terry Micheal

- Approved two plans this past month (Daniel Manning and the barn on lot #59) – see minutes from last month.

**Fire Mitigation Proposal:** Susan Bryson

- See attached plan as presented by Susan
- Nancy made a motion to approve the HOA matching funds of up to \$875. Lisa seconded the motion. Motion unanimously approved.
- Susan will draft a letter to all lot owners detailing the project and unveiling the website. She will have the letter ready for mailing by next week.

**Signs:** Nancy Schaufele

- The signs are \$40 each. The total cost will be approximately \$200. Nancy was asked to order the signs for the Fire Emergency Road. Doc has agreed to install the signs. (See notes from last meeting.)

**NEW BUSINESS:** Terry Micheal

- Received a letter from the owners of Lot #109 asking for further clarification on the county's sovereignty. Terry read the e-mail. The county is only sovereign with respect to any litigation. We cannot sue the county for the bad roads we inherited (see numerous past minutes and correspondence addressing this issue). The county does not collect our trash. The HOA does not dissolve just because we don't have funds. It takes at least 2/3 vote of the membership to dissolve this HOA. And, we meet the first Monday of each month unless that Monday falls on a holiday. The Bylaws only require us to have one Annual Meeting in March. Terry also reiterated the whole issue of separate tax districts and suggested that this lot owner review all the past minutes and correspondence which addresses these issues at nauseum.
- Terry read the letter from lot owner, James Bouma wherein he thanks the Board for all the hard work they do and encourages us not to pay attention to complainers. He said that the roads are dramatically better than when they first bought in this subdivision.
- Terry announced that we had another letter from a lot owner essentially stating her discontent and dissatisfaction with what this Board is doing.
- Terry offered another letter from a lot owner unhappy about our position on mobile homes. This board, on the advice of council, is taking the position that all offsite manufactured homes will not be allowed in this subdivision – pursuant to our Covenants concerning mobile homes.

**Open Discussion: ALL**

- The lot owner of #87 said that he has a real horse problem. He has spent a lot of time making his lawn look nice and horses have been on his land. He wanted to know what action he can take. We advised him to talk with the offending owner. There was more discussion about loose dogs on his land and other lot owners mentioned they've seen the same two dogs. We had a long discussion about Colorado being a "fence out" state. Terry offered, on behalf of the HOA, to write a letter to the owner's who have the horse escapee problem and mention that a complaint has been lodged.
- There was a lengthy discussion about reckless ATV's on our roads. The Sheriff's Department takes the position that unless the driver is "reckless," trespassing, or driving under the influence, they cannot enforce the unlicensed vehicle law on our roads. The Board will try to get further clarification on this.
- Fire break will do very little. Lot owner's need to clear their lot of dead timber and underbrush. Informed this lot owner that the HOA has tried unsuccessfully to get property owner's to take personal responsibility. There is nothing in our covenants that address vacant land – only defensible space around a structure. The Board will keep hounding on the issue but there is very little we can do.
- When the roads are bladed the contractor never actually cuts the dirt below the washboard. Lisa mentioned that we need moisture – and lots of it – in order to correctly solve the problem. We also have a poor road base in areas and very little finish gravel.
- Lot owner expressed his concern that noxious weeds were not sprayed on his road. The HOA assured him that all the roads received the same treatment. It's a particularly bad year.
- Lot owner expressed his concern about the 30 foot setback requirement because his road is so narrow he doesn't have much room to work with. Reiterated the setback requirement with respect to fencing. This same lot owner is building his home this summer and vendors said they won't even come down his road if it's raining. Lisa said that the board is aware of the awful condition of this road and said that the quote is \$40,000 to complete repairs. Please identify the low spots and the Road Committee will act promptly to get some finish gravel in those spots – as a temporary fix. Also some culvert drainage issues on this road and Lisa mentioned that each year she and Steve personally clean and clear the culverts. All lot owners can help with this endeavor.

**Meeting adjourned at 8:30 pm.**

*Account. Boy  
CME to A  
Secretary*

**Cedar Mesa Ranches Financial Report to BOD  
July 12, 2004 (Revised budget)**

**Accounts Receivable**

2001 Dues	\$300.00
2003 Dues	\$800.00
2004 Dues	\$3,300.00
Road assessment	\$2,350.00
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Total	\$6,750.00

**Accounts Payable**

	\$0.00
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Total	\$0.00

**Cash on Hand** \$20,477.42

**Contingency** \$3,567.17

**Carryover to 2005** \$6,000.00

**Working Budget (2004)**

Item	Budgeted amount	Spent to date
Road Maintenance	\$25,000.00	11001.66
Shed/mail boxes	\$0.00	0.00
Signs	\$100.00	0.00
Snow removal	\$3,000.00	2000.00
Insurance	\$1,500.00	1086.00
Weed control	\$1,500.00	1692.25
Office supplies	\$1,000.00	765.21
CPA/tax prep	\$190.00	190.00
Legal Professional fees	\$5,000.00	2910.71
Social	\$100.00	88.52
Web Page	\$100.00	95.40
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Total	\$37,490.00	\$19,829.75

**Cedar Mesa Ranches HOA  
Board of Directors Meeting  
Ludemann Residence  
September 13, 2004**

**In attendance:** Board Directors, Terry Micheal, Lisa Liljedahl, Steve Ludemann, Susan Bryson, Nancy Schaufele and Suzanne Duke. Lot owners, Chris Schaufele, Cindy Swan, Jackie McNeill, Jim & Ruth Bignell, Bryan & Therese Eytcheson, Gary & Cheryl Brodhagen, Janine & Gene Denny, David Nigteagle and Bruce Ball.

**Meeting called to order at 7:10 pm**

**President's Report:** See attached report.

- At the moment the Directors are also the officers; however, according to our bylaws they are structured as a separate entity. The Board elects the officers – not the membership.
- Committees are directed by the officers.
- We have one board position open due to Terri Montoya's resignation. Lisa made a motion to appoint Jim Bignell to replace Terri on the Board. Nancy seconded the motion. Motion unanimously approved.
- **Call for Board Nominations – deadline is December 30, 2004** – Please submit your nomination in writing to the Board President, Terry Micheal.
- The governing documents only require the Board to meet twice a year – General Meeting in March and another meeting to elect officers. Terry made a motion that we go to bimonthly (every other month) meetings open to the membership. Nancy seconded the motion. Motion unanimously passed. Here is the schedule for the remaining Board term:
  - November 1<sup>st</sup> – Bignell Residence
  - January 10<sup>th</sup> – location to be announced
  - March 3<sup>rd</sup> (First Thursday) – Annual Meeting (location to be announced)
- This Board believes that we need to raise dues in order to meet budget needs. We are in the process of looking at a five year budget and presentation to the membership justifying the recommendation to raise dues. We intend to mail out a proxy ballot to each member along with the Board nominations before the annual meeting in March.
- Our accounts receivable is running about 20% and customarily it should run no more than 3-4%. Please pay your past HOA dues!
- HOA attorney, Bill Rasure prepared a letter on August 25, 2004 addressing the Board's position on mobile homes. See attached letter.

**Six Month Accomplishments:** Susan mentioned that this board just celebrated their six month anniversary in office and she wanted to celebrate the accomplishments:

- New centralized mailboxes valued at \$9,000 (received for free)
- New road signs
- Guardrails on Road 35 (hill) and a small section of used guardrail on Road 36.7 where a vehicle rolled and was totaled last winter
- Ongoing road maintenance and improvements – considerable improvements with drainage, including bar ditches and new culverts.
- Approval of gates blocking the Fire Emergency road at the end of J.7 and proper signage
- Fire Mitigation work – applied for and received a grant with the State:
  - Slash removal
  - Fire break
  - BLM to conduct hydro-mulching beginning in October at northwest end of subdivision
  - Evacuation Plan is being developed
- Covenant Enforcement:
  - 14 thirty day covenant violation notices sent out. Majority of lot owners are now in compliance
  - One covenant violation lien filed
- Twelve liens were filed on properties for failure to pay dues/road assessment fees – total \$3,949.12 in outstanding fees
- Annual Weed Spraying was accomplished with some match money from the county
- Development of CMR HOA website making resource information much more accessible.
- Last but not least (and on the radar screen) is to form a landscape committee to work on a beautification/enhancement project at the entrance to our subdivision this next spring/early summer

**Financial Report:** See attached report prepared by Steve Ludemann. Steve will be sending out “past due” notices for 2004 HOA dues along with a thirty day notice to comply. Liens will immediately be filed for all those lot owners not in compliance after the thirty day notice.

- Terry made a motion to move \$875 from the contingency fund to a newly created line item, “Fire Mitigation” to cover the match contribution required under the grant. Lisa seconded the motion. Motion unanimously approved.
- Weed abatement from the county was reduced to \$250 this year from \$800 last year.
- Nancy made a motion to take the surplus from weed control, insurance and \$100 from “roads” to increase “office supplies” by that same amount. Lisa seconded the motion. Motion unanimously approved.
- Agreed to put attorney’s costs on hold and talk with Rasure about paying his bills over time.

**Dissolution of HOA Board:** Terry mentioned that some members have inquired into what it would take to dissolve the HOA. According to the Articles of Incorporation, Article X, it would take 2/3 or more membership vote in writing and signed by each member to dissolve the HOA. The assets have to be distributed to a public entity that has the responsibility to take on the duties that the HOA was responsible for, i.e. road maintenance. This leaves us with two choices:

1. Cedar Mesa creates its own municipal district (some HOA's in the area have done this), with the sole responsibility of maintaining the roads. The municipal district would be run by a board of directors elected by the lot owners. The HOA would be dissolved therefore there would be no enforcement of covenants. Or,
2. Somehow get the county to change the status of our roads to "green" signs and take on the job of maintaining our roads. Once again, the HOA would be dissolved, therefore no enforcement of the covenants and anyone could do as they please with their properties.

**Road Committee:** Lisa said that we desperately need moisture (rain) before we can blade the road. The road is also down to base in several areas. We continue to address the drainage issues. We did address the issue on J.7 in the last rainstorm. The Fire Emergency road on J.7 completely washed out and we installed a culvert and repaired that section of the road. We also have the ongoing issue with the front entrance. Steve reminded everyone that the front entrance is not asphalt pavement. Instead it is actually chip-sealed (1/2 inch thick) and patching holes is a challenge. We obtained a bid to asphalt repair the front entrance and the cost is estimated at \$13,000. . We are trying to meet this challenge with limited funding.

**Design Review Board:** Terry passed around a drawing submitted by the owner of lot #59 for a garage addition. He asked if there were any objections to this drawing and everyone felt that it was in compliance of our covenants. Terry will send the owner a letter.

**Fire Mitigation Committee:** Cindy thanked everyone for their participation in our ongoing fire mitigation work. She appreciates any work that a lot owner can do to make their lot more fire safe.

**Unfinished Business:**

- o Summit Leadership meeting on board development. Unfortunately we don't have the money to pay the registration fees.
- o The owners of Tract H do not have an RV stored on their lot.
- o **Covenant #14 states, "...Individual lot numbers at least 4" in size must be mounted on each house and/or entrance to each driveway so as to be clearly seen from the adjoining road."** This Board also recommends you clearly mark your driveway with an address reflective sign (can obtain from the Mancos Fire Department for a nominal charge).

**Addressing Members Concerns:**

- Two letters were submitted addressing trespass issues. It is the owner's responsibility to enforce Colorado trespassing violations and the Sheriff's Department has indicated that they will respond to these calls. As for trespassing on the Emergency Fire Road – easement (between J.7 & J.8) we can offer the same thing we did for the other fire road. We have already placed signage on the road.
- The subject of the pending litigation between the HOA Board and lot owner, Torin Andrews came up and David Nigteagle agreed to act as an unbiased mediator.

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**Lisa made a motion to adjourn the meeting at 9:35 pm. Terry seconded the motion. Motion unanimously approved.**

Respectfully submitted,

*Susan Bryson*  
Susan Bryson  
CMR HOA, Board Secretary

**Attachments:**

1. Board Presidents Report
2. CMR HOA Corporate Organizational Chart
3. William Rasure's letter regarding mobile homes (8.25.04)
4. Financial Report

**Cedar Mesa Ranches Financial Report to BOD  
13-Sep-04**

**Accounts Receivable**

2001 Dues	\$300.00	
2003 Dues	\$650.00	
2004 Dues	<del>\$3,150.00</del>	3,000
Road assessment	\$2,200.00	
Total	\$6,300.00	

**Accounts Payable**

	\$0.00
Total	\$0.00

**Cash on Hand** \$10,200.40

**Contingency** \$2,692.17

**Carryover to 2005** \$6,000.00

**Working Budget (2004)**

Item	Budgeted amount	Spent to date
Road Maintenance	\$25,000.00	18601.95
Shed/mail boxes	\$0.00	0.00
Signs	\$100.00	0.00
Snow removal	\$3,000.00	2000.00
Insurance	\$1,500.00	1436.00
Weed control	\$1,500.00	1442.25
Office supplies	\$1,000.00	984.44
CPA/tax prep	\$190.00	190.00
Legal Professional fees	\$5,000.00	4843.21
Social	\$100.00	88.52
Fire mitigation	\$875.00	875.00
Web Page	\$100.00	95.40
Total	\$38,365.00	\$30,556.77

# **Cedar Mesa Ranches Homeowners Association, Inc.**

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**Board Meeting  
November 8, 2004**

- 1. Call to Order: Approval of September Minutes**
- 2. Presidents Report**
- 3. Vice President /Secretary Report**
- 4. Financial Report:**
- 5. Road Committee Report**
- 6. Design Review Board:**
- 7. Fire Mitigation Update**
- 10. Unfinished/New business**
- 11. Addressing members concerns**
- 12. Open discussion: (5 min. per person please)**

## **Adjourn:**

### **Executive Session:**

- 1. Budget Analysis. (bring your copy with comments)**
  - a. Cover letter with proposed amendments
- 2. Addressing Membership for annual meeting and voting:**
  - a. Call for nominations
  - b. Proxy ballot (what's going on it).
  - c. Time line
- 3. Amending and cleaning up our documents: (bring you copy of the bylaws).**
  - a. Update current documents to reflect amended changes.
  - b. Review each section of the Bylaws for potential amending.

**Cedar Mesa Ranches Financial Report to BOD**  
**08-Nov-04**

**Accounts Receivable**

2001 Dues	\$150.00
2003 Dues	\$350.00
2004 Dues	\$900.00
Road assessment	\$1,900.00
<b>Total</b>	<b>\$3,300.00</b>

**Accounts Payable**

<b>Total</b>	<b>\$0.00</b>
	<b>\$0.00</b>

**Cash on Hand** \$9,756.47

**Contingency** \$2,692.17

**Carryover to 2005** \$6,000.00

**Working Budget (2004)**

Item	Budgeted amount	Spent to date
Road Maintenance	\$24,900.00	22487.28
Shed/mail boxes	\$0.00	0.00
Signs	\$100.00	134.25
Snow removal	\$3,000.00	2000.00
Insurance	\$1,436.00	1186.00
Weed control	\$1,442.25	1442.25
Office supplies	\$1,221.75	989.32
CPA/tax prep	\$190.00	190.00
Legal Professional fees	\$5,000.00	4843.21
Social	\$100.00	88.52
Fire mitigation	\$875.00	875.00
Web Page	\$100.00	95.40
<b>Total</b>	<b>\$38,365.00</b>	<b>\$34,331.23</b>

### **Secretary Report – Susan**

- This Board decided some time ago that we would have two Newsletters each year...one in the Fall/Winter and one in the Spring/early Summer (following the Annual Meeting in March). It's that time of year again. Nancy agreed to prepare a draft for discussion and review.
- Nick Bird continues to volunteer his time designing our HOA website. Nick encourages anyone with comments and suggestions to please contact him ([admin@cedarmesarancheshoa.org](mailto:admin@cedarmesarancheshoa.org)). He would like to make the site user-friendly and would like to see more lot owners registered. We currently have 28 lot owners registered. Nick further encourages everyone to use the bulletin board posted on the site ([www.cedarmesarancheshoa.org](http://www.cedarmesarancheshoa.org)).
- Please keep in mind that the website is administered by a volunteer with full-time employment. Nick does his best to update the site as often as possible.

### **Financial Report – Lisa**

- Lisa is acting Treasurer in Steve's absence.
- We currently have \$3,300 in dues/assessments outstanding.
- See attached Report
- Nancy made a motion to approve the Financial Report as prepared and submitted. Jim seconded the motion. Motion unanimously passed.

### **Road Committee Report – Lisa**

- Lisa would like help this year organizing snow removal for individual lot owners. We do this as a courtesy and to help all of us save costs. Cecil has agreed to plow individual driveways as long as one person is the lead spokesperson. Jackie offered to take the lead with this.
- Jim agreed to install the stop sign at the entrance to the subdivision.

### **Design Review Committee Report – Terry**

- We discussed the history of this committee emphasizing that there is nothing in our governing documents that require lot owners to submit their design drawings. This committee was established quite some time ago for the purpose of "assisting" lot owners with their building questions as they relate to the covenants. We felt that providing some help up front was better than finding out after the fact that a compliance issue existed.
- Gary and Nancy will work together to draft a more "user-friendly" definition of the committee's purpose and communicate that to the membership.
- We agreed to provide gates on the fire road off J.8 to provide support to the lot owners with "trespass" issues on this emergency access road. Nancy will speak with Doc to see if he will help with installation. Cindy and Jackie offered to speak with the impacted lot owners to seek permission to trespass in order to install the gates.

**Cedar Mesa Ranches HOA  
Board of Directors Meeting  
November 15, 2004  
Liljedahl/Bryson Residence, Tract O**

**In attendance:** Board Directors, Terry Micheal, Lisa Liljedahl, Susan Bryson, Jim Bignell & Nancy Schaufele. Residents, Ruth Bignell, Gary & Cheryl Brodhagen, Jerry Anderson, Cindy Swan & Jackie McNeill.

**Meeting called to order at 7:10 pm**

**Approved the September 13, 2004 minutes as written.**

**Presidents Report:** Terry Micheal.

- Susan made a motion to regrettably accept the resignation of Terry Micheal as President of the HOA Board of Directors. Jim seconded the motion. Motion unanimously passed.
- Lisa, now acting President of the Board, asked Terry to remain on the Board in the capacity as Chairman. Terry accepted.
- The BOD manages the decision making of the HOA and does not need to be subjected to personal attacks. Hence, from now on we have asked all lot owners to express their concerns and complaints in writing and they will be addressed at each board meeting.
- The HOA has settled the lawsuit with Torin Andrews. The settlement agreement will be posted on the website and available to the lot owners if they request a copy.
- Article III, Section 8 of the Bylaws refers to a "fee" that will be imposed to a lot owner should a lien be filed for non-payment of dues and/or special assessments. Lisa made a motion that we attach a fee of \$50 to each lien that we file. Susan seconded the motion. Motion unanimously passed.
- The Board believes that it is necessary to amend the bylaws and is forming a Document Review Committee to make recommendations. Some changes can be made by the Board without membership vote or approval.
- Article V, Section 1(b) refers to "rules and regulations" and Terry will be preparing an Operational Manual Template so that the board can establish some type of order and structure.
- With the exception of three lot owners, all liens have been paid to date.
- Nancy agreed to draft a letter to the membership asking for their interest in being on the Board or a working committee.
- We have discontinued monthly board meetings and instead suggest meeting every other month; again in January and then the annual meeting in March.

**Vice-President Report – Lisa**

- See report under "Financial" and "Road Committee."

- Jerry Anderson offered to take a chain saw to the downed tree on this emergency fire/access road.

**Addressing Members Concerns/Open Discussion – Terry**

- Jerry Anderson expressed his concern with the covenant relating to the storing of his RV. He would like the Board to define “year” as it relates to nine months. The Board acknowledged Jerry’s concern and agreed that the covenants are poorly written. However, in the absence of better written covenants, this Board said that they are left defining the “intent” of each covenant. With respect to Covenant #11, this Board believes that the “intent” is to prohibit the storage of RV units unless it is stored in an enclosed building.
- The Board cannot be arbitrary in its interpretation of governing documents. We are obligated to interpret the covenants the same for everyone and file liens where appropriate.
- Need 51% of the membership to vote in any covenant changes.

**Susan moved to adjourn the meeting at 8:20 pm. Lisa seconded the motion. Motion unanimously passed.**

*Susan Burt  
Secretary  
CMP #104*