

**CEDAR MESA RANCHES HOMEOWNERS**  
**ANNUAL MEETING**  
**JANUARY 15, 2008**  
**San Juan Basin Technical College**  
**3:00-5:00 P.M.**  
**MINUTES**

**Present:** Jim Bignell, Gary Brodhagen, Greg Kemp, Lisa Liljedahl and Ruth Bignell. There were 39 HOA members present.

**Absent:** Nova Hankins, Greg Kaylor

**The meeting was called to order at 3:01 pm**

**Introduction of Board Members present:** Jim Bignell introduced the current board members.

**Introduction of members present:** HOA members introduced themselves.

**Approval of Minutes:** The minutes of the November 29, 2007 meeting was approved by motion, 2<sup>nd</sup> and passed.

**President's Remarks and Year-end Report: Jim Bignell**

- Members were asked to turn in their dues and ballots to the sign-in desk.
- Jim thanks members for their support over the past year. It has been greatly appreciated.
- Subdivision Report: Jim reported on the following items:
  1. We now have 71 houses in the subdivision. 13 have been or are under construction this year.
  2. A total of 16 lots were sold in 2007 at approximately \$10,000 per acre.
  3. We have had approximately 3 ft. of snow this past week and have received several calls from lot owners requesting information on whom to call to have their driveway plowed. They were referred to Dale Murphy, who does our roads. His cell# is (970) 739-0061. Dale has dug a lot of people out this past week and has been very prompt in doing so. Several of us have ATV's with plows and that works very well on driveways. It is worth the investment.
  4. This past year, we put half of our road budget in a legal fund because of previous litigation and this limited what we could do to improve the quality of the roads. This next year, we will concentrate on Road 35.

**Secretary Report: Ruth Bignell:**

- Minutes, ballot, annual mtg. notice and dues notice went out on Dec. 3, 2007,
- Lot 94 sold to Barbara Wagenseller of West Sedona, AZ
- Lot 119 sold to Christopher & Ardyce Jones of Rio Rancho, NM
- Please remember to update your contact info: email, phone or address. We had several letters returned due to address changes.

**Treasurer's Report: Lisa Liljedahl**

- All dues were paid for 2007.
- All budgets were within their allotment except for roads. This line item was over by \$285.80.
- 2008 dues continue to come in and 2 large deposits have been made to date.

**Committee Current & Year-end Reports:**

**Fire & Weed: Jim Bignell**

We had 4 fires in 2007. Fortunately, they were not large and we were able to contain them.

- We received a rebate of \$194.58 from State of Colorado for part of the money spent on chemicals.
- Thanks to volunteers Gary Brodhagen, Terry Neisinger, John Lyren, Bryan Johnson, Chuck Weisel and Jim Bignell who spray in spring and fall. We are really making a dent in the thistle.

### **Building Advisory: Greg Kemp**

- At the present time, there are no inquiries pending regarding potential covenant violations.
- Three inquiries regarding potential covenant violations were satisfactorily resolved in 2007.
- It was discovered in March 2007 that our existing Covenant 7c was not in compliance with the Montezuma County Land Use Code. This occurred because the County Land Use Code was changed after the original restrictive covenant of Cedar Mesa Ranches were written. This oversight was not corrected when these covenants were recorded with the County Clerk in Sept. 1998. This Covenant is currently being voted on to become in compliance with the County Land Use Code.
- Montezuma County considered issuing building permits for residential construction in 2007, but the Board of County Commissioners did not approve this proposal.
- Montezuma Water Co. is in the process of enlarging the main water line along Road N, which supplies Cedar Mesa Ranches. They have no plans to increase the size of the 4" line, which supplies our subdivision now or in the future.
- Due to citizen complaints this past summer, Aramark, our neighbor to the south, adjacent to the fire station and Lot 10, has done significant fire mitigation work on their property, among other things. They addressed our specific concern regarding a potentially hazardous derrick associated with an abandon gas well located near the fire station. The Board sent them, and Montezuma County, a letter commending them for their efforts. A final hearing on the concerns regarding the Aramark property is scheduled for 3:30 pm, Monday, Feb. 4<sup>th</sup> in the County Commissioners meeting room in Cortez.
- Rick Noland has filed a lawsuit contesting the Board of County Commissioner ruling in November that a high impact permit must be issued, following a public hearing process, prior to any future operation of an asphalt manufacturing plant located on the Noland property which is on Hwy. 160 east of Cedar Mesa Ranches. No trial date has been set for a hearing on this lawsuit.

Once again, I would like to thank the property owners in Cedar Mesa Ranches. Your acceptance of the restrictive covenants which all of you agreed to abide by when you purchased your property here makes this a fine community. I am honored to serve as your representative.

### **Covenants: Jim Bignell**

- The covenant changes recommended by the Board are currently being voted on.

### **Road Committee: Gary Brodhagen**

- 48 road reflectors were placed on key roads by Gary & Jim. They also put up 4 new 25 mph road signs.
- Gary asked for volunteers to serve on the road committee. One member responded.
- A lot of work was done on the roads despite our limited funds.
  - a. January-plowed snow in subdivision
  - b. February-2 snowplows and wing back edges of road
  - c. April-Blade & compact roads plus 5 loads of gravel
  - d. June-Blade road 35 & K.3 to cul-de-sac
  - e. July-Clean bar ditches and main road, blade hill and road from entrance to top of hill with water plus 2 loads of ¾" gravel
  - f. August-Install 3 culverts on J.7 including 20 loads of gravel and clean out ditches, blade hill to end of Road 35 to cul-de-sac & J.8
  - g. September-Blade road 35 from entrance to bottom of hill
  - h. November-Blade road 35 & K.3 with roller and water
  - i. December-Repair soft spots, blade, spread gravel at K.3 & 35 and end of cul-de-sac of 35.6, 35.7 and J.6, blade road 35 to bottom of hill, plow roads
- The Board has the option of requesting a special assessment of an additional \$25 for any given year without membership approval. The Board will consider this in order to add to our road budget. A majority of the members in attendance were in favor of this assessment for this year.

### **Activity & Grounds: Ruth Bignell**

- 14 members attended clean up day in May. A big thanks to all that worked so hard.
- Waste Management donated a dumpster for 2 days.
- The Winter Newsletter went out in February, thanks to Nancy Schaufele.
- 38 members attended the HOA BBQ.
- 34 members attended the HOA Christmas Party in December.
- At the moment we have no activities scheduled. We will have a clean up day in May. Thanks to the other members of this committee for their help, Cheryl Brodhagen and Nancy Schaufele.

### **Nomination Committee: Ruth Bignell**

- Thank you to Georgia Chermak, Michelle Charboneau, Char Neisinger and Lanita McCafferty for volunteering to count votes and man the sign-in desk.
- As chair of this committee, I want to report that during this election, we had an incident where we believe someone may have committed voter fraud by sending in bogus ballots. We rec'd several ballots in plain envelopes that had no return address but more importantly, the ballot was not in the secret ballot envelope. They were sent on the same day from Cortez and the same typing font and envelope was used on all of them. It was also very evident that these were copies of the ballot. Therefore, although the ballots were in the Boards favor and to maintain the integrity of the election, we must disqualify these ballots. This behavior is unfair to both sides and it is sad that we have to worry about this type of action when we have other things that are more important. This is why it was important that we had you return your secret ballot in the envelope with your lot # on it. We keep track of the lots that vote so we don't have someone duplicating the ballot and just sending it in. Otherwise, we would have no way of knowing that it came from a current lot owner. We have had some criticism for keeping track of lots that vote but because of what has taken place, you can see that it is important that we do.

A suggestion was made that the HOA purchase an official seal that could be placed on the ballot so that it could not be duplicated. The Board will look into this for the next election.

### **Old Business: Jim Bignell**

- Lawsuit: A motion has been submitted to the court for a dismissal of this litigation.
- Insurance: We currently have General Liability Insurance but are still unable to acquire D&O.

### **New Business: Jim Bignell**

- Montezuma Land Use Code: Dwellings already in place in the subdivision are grand fathered in and exempt from the 50' setback. All new construction will need to comply with the new code.
- Tools were stolen from Lot 3 over the holidays. It is important that you either lock up you dwelling or take the tools with you. We also had a theft of 30 Malibu solar lights on another property. This is not the first time this has happened but you need to be aware that this activity is taking place.

### **Open Discussion:**

- Bruce Short has access to a hydro-mulcher. It can be contracted out for approximately \$250 per hour. This covers about ¾ to 1 acre per hour. Anyone interested in mitigating their property in this manner may call (719) 852-0552 or email at [stumpjumper@bresnan.net](mailto:stumpjumper@bresnan.net)
- Chuck Weisel inquired as to the status of our liability insurance and if it is renewable. The insurance was renewed in August 2007 and as far as we know it will be again in 2008.
- David Nigteagle had several comments: 1) There is a lot speeding on our roads and some are not considerate of other people on the road whether they are in cars, on horses, walking or on an ATV. This includes residents, contractors and service trucks. **Please be considerate of your neighbor.** The Board will consider purchasing a horse sign that lets drivers know that some people do ride horses on the road. 2) Waste Management trucks are going way to fast on our roads. Ruth will call and complain to the

- company. If it continues, we may suggest to everyone to consider changing his or her service. 3) When several vehicles are parking on the main road, please park on the same side of the road. We have some that are parking on both sides and with this snow, drivers have to maneuver around them. 4) The dog problem is here again, dogs are running loose and not under control of their owner. This is against the covenants. If it continues, we may pursue other avenues to curb this problem. A suggestion was made to fine lot owners or trap the dogs, which we really don't want to do. Please control your animals.
- Jack Stillinger brought up the Senate bill SB-100, which requires HOA's to adhere to certain rules. He asked if we were aware of and do we follow these rules. The Board is aware of this bill. The Board will look into this. The Board will also be watching for the new bills coming out in 2008 regarding HOA's.
  - Kelly Rinaldi also brought up the speeding problem and suggested speed bumps be put in place. While most was not in favor, it will be brought up at the next meeting.
  - Nancy Schaufele thanked the Board for their dedication in continuing to serve on the Board. Nancy personally tried to recruit new board members and was not successful.
  - Gary & Jim both asked if anyone was interested in serving on the Board to come forward. At this time, no one has expressed an interest.

**Election Results for 2008 Board of Directors and Covenant Amendments:**

- The results are:
  - **Board of Directors**
- |                |    |
|----------------|----|
| Jim Bignell    | 99 |
| Nova Hankins   | 97 |
| Greg Kemp      | 96 |
| Lisa Liljedahl | 95 |
- Write-ins:**
- |                  |   |
|------------------|---|
| David Nighteagle | 3 |
| Chuck Weisel     | 3 |
| John Stillinger  | 1 |
| Torin Andrews    | 1 |

Covenant Amendments:	<u>Yes</u>	<u>No</u>	
#1 – Land Use Code	104	7	This covenant passed
#2 – Definitions	101	10	This covenant passed
#3 – Mobile Homes	91	20	This covenant did not pass
#4 – RV Vehicles	93	18	This covenant passed

**Due to the snow and the slow delivery of mail, the Board suggested delaying the final totals. The membership in attendance was asked if they had any objections. They did not, so a motion for a delay was proposed, 2<sup>nd</sup> and passed. The totals above reflect these additional votes.**

**Motion to Adjourn:** A motion was made to adjourn, 2<sup>nd</sup> and passed. The meeting adjourned at 4:20 pm.

**Next Meeting:** The next meeting will be Thursday, January 24, 2008 at 7:00 pm at the San Juan Tech College.

Respectfully submitted

Ruth Bignell

Secretary to the Board

**Cedar Mesa Ranches-HOA  
Balance Sheet as of December 31, 2007**

	<b>2007</b>
<b><u>Assets</u></b>	
Checking/ Money Market	\$20,874.79
Accounts Receivable	\$0.00
Total Assets	\$20,874.79
<b><u>Liabilities</u></b>	
Accounts Payable	\$0.00
<b><u>Members' Equity</u></b>	
Prior Yrs Equity	\$126.00
Current Yr Equity	\$20,748.79
Total Member Equity	\$20,874.79
<b>Total Liabilities &amp; Members' Equity</b>	<b>20,874.79</b>

**Cedar Mesa Ranches  
Statement of Income and Expense  
December 31, 2007**

2007 Year-To- Date	2007 Budget	2006 Actual	Income:
			Dues
		\$62,275.00	Interest
		\$62,275.00*	<b>Total Income:</b>
			<b>Expenses:</b>
		150.00	CPA - Tax Preparation
		822.45	Contingency Fund
		0.00	Fire Mitigation
		1,106.00	Insurance
		1,019.99	Office Supplies/ Postage
		42.00	Legal Fees/ Not Designated
		0.00	Legal Funds Designated
		58,242.03	Road Maint/Improvements
		201.71	Signs
		68.74	Snow Removal
		2,260.00	Web Page
		95.40	Weed Control (less rebate of \$194.58)
		1,147.88	<b>Total Expenses:</b>
		68,015.46	<b>Excess of Income over Expenses:</b>
		62,275.00	
		42,200.80	
		20,074.2	

There was a carryover amount of \$5,107.40 from 2005, therefore the bank balance at the beginning of 2006 was a positive amount.

\* This amount includes \$275 of 2006 dues that were collected in 2007 & \$50 members that overpaid

**CEDAR MESA RANCHES HOMEOWNERS  
BOARD OF DIRECTORS MEETING  
January 24, 2008  
San Juan Basin Technical College  
7:00 p.m.**

Minutes

**Present:** Jim Bignell, Greg Kemp, Lisa Liljedahl and Ruth Bignell. Three HOA members were present.  
**Absent:** Nova Hankins

**Call to Order:** The meeting was called to order at 6:55

**Introduction of 2008 Board Members:** Jim Bignell, President, Greg Kemp, Vice President, Lisa Liljedahl, Treasurer and officer Ruth Bignell, Secretary to the Board.

**Approval of Minutes:** A motion was made, 2<sup>nd</sup> and passed to approve the minutes of January 12, 2008 with a correction. The correction was in the Treasurer's report. It was stated that all dues for 2007 were paid. The report should have read 138 lot/tracts out of 139 were paid for 2007.

**Secretary Report: Ruth Bignell**

- Annual Meeting minutes went out on January 18, 2008
- Questions about Annual Meeting minutes – Chuck Weisel asked via email several questions regarding attendance at the meeting. Ruth answered him but wanted to publicly do so in case there was anyone else who had similar questions. 1) How many people at the meeting, seemed like more than reported and did it include board members? Answer: I counted everyone seated including board members. As far as I am concerned, it was accurate. 2) How many lots/tracts represented and did it include board members? Answer: 25 lots/tracts were represented including board members. 3) Was there a new board meeting following the Board meeting as stated? Answer: A short board meeting followed the Annual Meeting as required in the bylaws to determine board positions and meeting date for January 2008.
- Chuck brought up the question of a quorum under CO law #38.33.3-309 which states:

*“Unless the bylaws provide otherwise, a quorum is deemed present throughout any meeting of the association if persons entitled to cast twenty percent, or in the case of an association with over one thousand unit owners, ten percent, of the votes which may be cast for election of the executive board are present, in person or by proxy at the beginning of the meeting.”*

The bylaws of CMR-HOA in Article IV, section 6 state:

*“The presence in person or by proxy of the holders of a majority of the membership then in existence shall be requisite and shall constitute a quorum for the transaction of all business at any annual or special meeting. The acts approved by a majority of the members present at a meeting at which a quorum is present shall constitute the acts of the members except when approval by a greater number of members is required by the Articles of Incorporation, or these By-Laws. The members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal or departure of certain members, leaving less than a quorum present.”*

At the last meeting Chuck stated that we could vote with 20% of the members present. This would be true if our bylaws didn't state otherwise. A majority of the membership is 70 lot/tract owners.

- The new amendments were recorded at the Montezuma County Clerk on January 23, 2008. The amendment will be included in the minutes and will be distributed to title and realtor offices.

#### **Treasurer's Report: Lisa Liljedahl**

- 6 members have not submitted their dues for 2008.

#### **Committee Reports:**

##### **Fire & Weed-Jim Bignell**

- No report at this time

##### **Building Advisory – Greg Kemp**

- Now is the time to burn slash. Mesa Verde Nat'l Park with conduct controlled burns within the next 2 weeks so don't get alarmed if you see smoke in that direction.
- In response to suggestions brought up at the last meeting, the HOA will purchase 2 horse signs and 2 SLOW signs to be placed in the subdivision to accommodate those that ride horses on the roads. Hopefully, traffic will slow down when they are present.
- At the last meeting, the board was questioned by Mr. Stillinger as to why his questions sent by email were not answered. The Boards reply was that business is conducted at the regular board meeting. Greg brought up a situation in an ongoing lawsuit in Cortez where remarks made after a meeting had been adjourned were included in the lawsuit.
- Greg is working on a Dispute Resolution policy for the subdivision, which is required by CO law SB-06-89. This was tabled until the next meeting to give Greg more time to draw up this document for consideration.

##### **Roads – Jim Bignell**

- We had 1 snow removal yesterday due to over 4" of snow in the subdivision.
- Jim made a suggestion that we put salt, sand & a shovel in a 55 gal. drum on the Rd. 35 hill because so many have had a problem getting up or down. The Board agreed and a motion was made to purchase a plastic drum, sand, salt & shovel. It was 2<sup>nd</sup> and passed.
- This was left out of the last meeting minutes: Gary Brodhagen asked if anyone knew anything about roads, David Nigteagle responded.

##### **Activity & Grounds – Ruth Bignell**

- No report at this time.

#### **Old Business:**

- **Waste Management:** An employee meeting was being held and the owner will address our concerns regarding their trucks speeding in our subdivision.
- **Speed Bumps:** At the last meeting, some members did not want speed bumps. No other action will take place at this time.
- **Special Assessment:** At the last meeting, it was brought up that the Board could impose an additional assessment of \$25 without membership approval. At this time, the Board will not do so unless it is necessary. It will be looked at later in the year.
- **Dues:** At this time, the dues will not change. The Board feels the amount is fair and necessary to do what needs to be done.
- **HOA Seal:** A suggestion was made at the last meeting to purchase an embossed HOA seal to prevent the reproduction of voting ballots. This seal has been purchased.
- **Lawsuit:** Nothing has changed since the last meeting. The trial is still set for Feb. 13, 2008 in Maryland.

#### **New Business:**

- There has been a break-in on Tract R recently. A white diesel truck with 2 men and a woman were seen parked in the driveway with the engine running. They were seen by a neighbor and left. The door was broken down and as a result, the propane heater ran out of gas. Luckily, no



pipes froze or broke. As far as we know, nothing was stolen. The sheriff was notified and an investigation is taking place. Some important things to remember: 1) Have someone check your house while you are gone. 2) Turn your water off at the road and drain your pipes and put RV anti-freeze in your toilets to prevent freezing and 3) Make sure your driveway is plowed. If it isn't, it is an invitation to this type of problem.

In speaking with the Sheriff, he stated that they have a Sheriff Watch available for anyone leaving their house for any length of time. They will check your house morning and evening and keep a log of their visit. You can call the Sheriff's Office and request this service. There is no charge. It is a good thing for us to have their presence in our subdivision.

- The Board has decided to shorten the number of meetings during the year. The Board will meet on the following dates: April 24, 2008, August 28, 2008 and October 30, 2008. If another meeting needs to be called, everyone will be notified. The 2009 Annual Meeting will be January 10, 2009.
- It was recommended that the budget allocation remain the same as 2007 with the exception of the categories of Weeds, which will be \$200, and Legal Funds/Not Designated, which will be \$500.
- On January 16, 2008, Mr. Torin Andrews sent an email letter to the Board President and secretary as well as 3 other members of the HOA. This email is included in these minutes.

The Cedar Mesa Board sent a response to Mr. Andrews on January 25, 2008 and this response is included in these minutes. The Board consulted an attorney before responding to Mr. Andrews. A motion was made to forward this response. It was 2<sup>nd</sup> and passed.

**NOTE: AN ADDENDUM TO THE MINUTES:** Mr. Andrews responded to the Board's Response sent on January 25, 2008. Mr. Andrew's response is included in these minutes.

- Mr. Terry Neisinger has stepped forward and asked to serve on the Board. A unanimous vote was taken to accept Mr. Neisinger. Terry was appointed to chair the Fire & Weed Committee.

There are 2 board vacancies. Jim read this statement. "Presently, there exist 2 vacancies on the Board of Directors for Cedar Mesa Ranches HOA. The bylaws state that the current board can with a majority vote fill the vacancies for the remaining term. If you are interested in serving on the board you can make your wish known by contacting the secretary of the HOA. A person cannot be forced to serve; therefore, if you wish to serve, you must say so. The final decision is up to the current Board of Directors, not any other group or one person. The bylaws also state that a person wishing to serve on the Board must be a lot owner and must be current in their dues and assessments.

**Open Discussion:** There was no discussion.

**Next Meeting:** The next meeting will be on April 24, 2008 at 7:00pm at the San Juan Technical College.

**Adjournment:** A motion was made 2<sup>nd</sup> and passed to adjourn. The meeting adjourned at 8:15pm

Respectfully submitted:

  
Ruth Bignell

**CEDAR MESA RANCHES HOMEOWNERS  
BOARD OF DIRECTORS MEETING  
April 24, 2008  
San Juan Basin Technical College  
7:00 p.m.**

**Minutes**

**Present:** Jim Bignell, Greg Kemp, Lisa Liljedahl, Terry Neisinger and Ruth Bignell. Six HOA members were also present.

**Absent:** Nova Hankins

**Call to Order:** The meeting was called to order at 7:00 pm

**Approval of Minutes:** A motion was made, 2<sup>nd</sup> and passed to approve the minutes of January 24, 2008

**Secretary Report: Ruth Bignell**

- Meeting minutes of January 24<sup>th</sup> went out on January 29, 2008
- Lot 31 sold to J. Michael Weinberg from Chama, NM
- Lot 89 sold to Christopher & Savannah Schneck of Lewis, CO
- The CMR-HOA embossed stamp has been purchased and will be used on our ballots in the fall.
- I checked on D & O insurance with State Farm in Cortez. Once again, we were denied due to past charges from previous lawsuits.
- Please let me know if you have changed your email or any other contact info. This is the only way we have of disseminating information. We also have new owners that haven't returned their contact info.
- We are having a problem putting info on our website. We will correct this very soon.
- On January 31<sup>st</sup>, the owner of Lot 107 requested that we no longer correspond with him via mail or email. This is really a moot point as info is available on the website and from other lot owners. The lot owner also has the option of blocking our emails if he chooses.

**Treasurer's Report: Lisa Liljedahl**

- We still have 5 members with outstanding dues. Four 15-day certified letters have been sent requesting payment before a lien is filed...
- The HOA paid the IRS \$74.88 in taxes. This was for interest accrued on our money market.

**Committee Reports:**

**Fire & Weed-Terry Neisinger**

- May is Wildfire Prevention Education month. Terry has been appointed a Firewise Ambassador and will meet with La Plata Firewise on May 7<sup>th</sup> for a training class.
- The fire level has been upgraded to HIGH. You can still burn until a ban is in place but it is suggested that if you burn, please call the Cortez unit and let them know your intentions. The number 565-8441.
- It is that time of year again that all the thistle pop up. Spraying chemicals have been given out to our volunteers so they can get busy starting in May.
- It was suggested that we install poles next to the fire hydrants. After this past winter, it would have been difficult to find them if they had been needed. A motion was made, 2<sup>nd</sup> and passed.
- Another suggestion was that we notify the fire department of lot owners that have ponds and who are willing to let them to use the water if it is ever needed. If you have a pond and are agreeable, please notify Terry at 564-5188

**Building Advisory – Greg Kemp**

- Aramark has removed the derrick and a lot of debris from the lot by the mailboxes.
- A new gravel pit will be in operation about 1 mile north of Noland.

- I will conduct a tour of the subdivision to check that each lot is identified. It is suggested that if you live here fulltime or part of the year, you erect a sign listing your physical address. This makes it easier for the fire department to locate your lot if the need arises.

#### **Roads – Jim Bignell**

- This past winter, we spent \$8,275 for snow removal. (FYI: An article in the Durango Herald stated that the HOA at Cascade Creek is recommending an additional assessment of \$2200 each for snow removal this past winter. Be glad you don't live there.)
- Gravel was put at J.7 and Road 35.
- Graded Road 35 to J.8. Ditches cleaned and gravel from ditches was pulled to the center of the road to create a crown on the road. Gravel was also put in low spots and potholes on Road 35.
- 2 horse signs and slow signs were installed at the corner of J.8 and Road 35 and also on the corner of K.3 and Road 35.
- A new culvert is needed on K.3.
- The potholes at the front entrance will be filled in when the weather warms up and the asphalt plants start up.

#### **Activity & Grounds – Ruth Bignell**

- Clean up Day will be later this summer.
- The HOA BBQ will be held on Sunday, July 20<sup>th</sup> at the Bignell's. A flyer is included in these minutes.

#### **Old Business:**

- **Lawsuit:** Our attorneys have submitted documentation to the court to have this suit dismissed. A judge will make the final determination for either dismissal or trial. We do not know how soon this will occur.
- **Dispute Resolution:** Greg Kemp has provided a draft of this resolution to the Board. A committee of the whole was created to allow the Board to meet and refine it. A report will be given at the next meeting. A motion was made to create this committee, 2<sup>nd</sup> and passed.

#### **New Business:**

- A new culvert is needed on the fire road at J.9. The HOA is responsible for the upkeep of this road and Paul Ruatti, the owner of Lot 71 offered to provide the labor to install it if the HOA will pay for the culvert. A motion was made to accept his offer, 2<sup>nd</sup> and passed.

#### **Open Discussion:**

- A lot owner reported that someone has been killing coyotes and disposing the carcasses along the side of the road on J.7.
- A suspicious vehicle has been seen in the subdivision. It is a white Ford pickup. The Sheriff's Department was notified. If you see anything out of the ordinary, please notify the authorities.
- Once again, we have a lot of speeders in the subdivision. Some are workman but others are lot owners. We also have people going around a stopped school bus at the front entrance that is picking up our children. Hopefully, the bus driver got their license plate numbers. **PLEASE SLOW DOWN AND ADHERE TO THE LAW REGARDING STOPPED SCHOOL BUSES.**
- Baker Sanitation is considering providing bear proof trash containers at an additional fee. If interested, you may call Baker for info.

**Next Meeting:** The next meeting will be on July 31, 2008 instead of August 28<sup>th</sup> at 7:00pm at the San Juan Technical College.

**Adjournment:** A motion was made 2<sup>nd</sup> and passed to adjourn. The meeting adjourned at 8:05pm

Respectfully submitted:

Ruth Bignell  
Secretary to the Board

**CMR-HOA COMMUNITY**

**BBQ**

**SUNDAY, JULY 20TH**

**1:00 - 4:00 P.M.**

**AT: BIGNELL'S-LOT 55**



**BRING A SMALL COVERED DISH & A CHAIR**

**MAIN DISH & DRINKS PROVIDED**



**HOSTED BY: The Activity & Grounds Committee:  
Ruth Bignell, Cheryl Brodhagen & Nancy Schaufele**

**Please RSVP to: 564-5964 by July 16th**

**COME MEET & VISIT WITH YOUR NEIGHBORS**

**Cedar Mesa Ranches-HOA  
Balance Sheet as of March 31,  
2008**

<b><u>Assets</u></b>	<b>2008</b>
Checking/ Money Market	\$58,031.90
Accounts Receivable	\$9,200.00
 Total Assets	 \$67,231.90
 <b><u>Liabilities</u></b>	
Accounts Payable	\$0.00
 <b><u>Members' Equity</u></b>	
Prior Yrs Equity	\$20,874.79
Current Yr Equity	\$46,357.11
Total Member Equity	\$67,231.90
 <b>Total Liabilities &amp; Members' Equity</b>	 67,231.90

**Cedar Mesa Ranches  
Statement of Income and  
Expense  
March 31, 2008**

<b>Income:</b>	2007 Actual	2008 Budget	2008 Year-To- Date Actual	2008 Difference
Dues	\$62,600.00	\$62,725.00	\$53,075.00	
Interest	\$349.59		<u>268.21</u>	
<b>Total Income:</b>			<b>\$53,343.21</b>	
<b>Expenses:</b>				
CPA - Tax Preparation	150.00	150.00	150.00	0.00
Contingency Fund	0.00	2,000.00	0.00	2,000.00
Fire Mitigation	0.00	100.00	0.00	100.00
Insurance	1,106.00	2,000.00	0.00	2,000.00
Office Supplies/ Postage	965.81	1,100.00	330.73	769.27
Legal Fees/ Not Designated	416.00	500.00	0.00	500.00
Legal Funds Designated	4,640.00	25,000.00	5,920.49	19,079.51
Road Maint/Improvements	32,327.05	25,600.00	1,435.00	24,165.00
Signs	68.74	500.00	0.00	500.00
Snow Removal	2,260.00	5,000.00	8,275.00	-3,275.00
Taxes- Federal (2007 tax return)	0.00	0.00	74.88	-74.88
Web Page	95.40	125.00	0.00	125.00
Weed Control (less rebate of \$194.58)	171.80	200.00	<u>0.00</u>	<u>200.00</u>
<b>Total Expenses:</b>	<b>42,200.80</b>	<b>62,275.00</b>	<b>16,186.10</b>	<b>46,088.90</b>
<b>Excess of Income over Expenses:</b>	<b>\$20,399.20</b>		<b>\$37,157.11</b>	

**CEDAR MESA RANCHES HOMEOWNERS  
BOARD OF DIRECTORS MEETING**

**July 31, 2008**

***Bignell Residence***

(The Technical College was closed)

**7:00 p.m.**

**Minutes**

**Present:** Jim Bignell, Greg Kemp, Lisa Liljedahl and Ruth Bignell. Six HOA members were also present.

**Absent:** Nova Hankins, Terry Neisinger

**Call to Order:** The meeting was called to order at 7:05 pm

**Approval of Minutes:** A motion was made, 2<sup>nd</sup> and passed to approve the minutes of April 24, 2008

**Secretary Report: Ruth Bignell**

- Meeting minutes of April 24<sup>th</sup> went out on April 29, 2008
- No lots were sold since last meeting.
- A reminder to lot owners to send in contact info or changes to info.

**Treasurer's Report: Lisa Liljedahl**

- All current bills have been paid.
- Liability coverage is up for renewal and will be paid in August.

**Committee Reports:**

**Fire & Weed-Jim Bignell**

- The weed volunteers have been busy spraying during June and July.
- The HOA is responsible for spraying the road right-of-way which is 32 ft either side of the center of the road.
- The spray used is a broad leaf weed killer and will not kill grasses.
- A homeowner objected to the practice of killing sunflowers on the right-of-way citing environmental issues. The President stated that anyone who wants to grow sunflowers on their property is welcome to do so but spraying will continue on the road right-of-way.
- Lot owners are responsible for weed control on their property, especially noxious weed such as thistle.
- While we have had no lightning fires up till now, we have had several lightning strikes. Terry Neisinger's home was hit by lightning and he lost a lot of electrical equipment and David Nigteagle's horse was struck and killed. Everyone should be very careful when this is going on.

**Building Advisory – Greg Kemp**

- 13 properties have been identified as having no property ID on the premises as required by the Covenants. After reverification, a letter will go out to those homeowners identified. A motion was made, 2<sup>nd</sup> and passed to compose a letter to be sent out.
- Inquiries have been made regarding the dirt piles on the road right-of-way on Lot 13. The owner has been contacted and they will be removed by Sept. 1<sup>st</sup> at the latest.

**Roads – Jim Bignell**

- Road 35 was graded from the front to J.8 and from the top of the hill to K.3. The grading was done to move the gravel on the road edge to the middle and rebuild the crown. This mixed more clay in the gravel which has greatly helped in holding the road from creating wash boards.
- Gravel was added to spots where the road base was exposed.
- K.3 has been graded in the same way.

- Recent rains washed over part of Tract Road 36.7. This was repaired with grading and adding gravel.
- The pot holes at the front entrance have been filled with hot asphalt. We wanted to do it earlier but had trouble getting asphalt. The local plants had not fired up their asphalt plant until recently.
- We had two reports on each of the emergency roads: 1) the emergency road on J.8 is being blocked by vehicles. This road is to be kept open for emergencies only. We ask that whoever is blocking the road to remove the vehicles from the J.8 road entrance. 2) motorcycles have been observed using the emergency road at the end of J.7. This is prohibited. These roads are for emergency only and belong to the adjacent homeowners.

#### **Activity & Grounds – Ruth Bignell**

- 30 members attended the HOA BBQ. I want thank all that contributed to this event.

#### **Old Business:**

- **Lawsuit:** Our attorneys have submitted documentation to the court to have this suit dismissed. The judge did not dismiss the suit and a trial was scheduled for September 9<sup>th</sup>. This will be rescheduled due to the cancer treatment that Ruth is having.
- **Dispute Resolution:** The Committee-of-the-Whole met on July 24, 2008 to discuss this resolution and refine to meet our needs. The resolution was read to all present and open for discussion. With no discussion taking place, a motion was made, 2<sup>nd</sup> and passed to adopt this dispute resolution. Jim read the current law on this matter and it states that a "common interest community are encouraged to adopt" but are not required to have this resolution. It is included in the minutes report.
- It was also suggested that we have a policy book. We will work on this in the near future.

#### **New Business:**

- Once again, we have received reports of dogs running loose and chasing cars. They have also been seen chasing deer on private property on K.3. After speaking with the Dept. of Wildlife, if it continues to be a problem, the homeowner should call animal control. According to DOW, this is the only action that can be taken.
- The website has been updated.

#### **Open Discussion:**

- Speeding is still an issue. A homeowner has been working with the Sheriff's Dept. to get a digital speed sign placed in the development to deter speeders at least for a while.
- It was also suggested that we think about having a walking trail along the side of the road. This is easier said than done as the terrain is uneven and it would involve all property owners as it could not be on the right-of-way because of snowplowing. In any case, the suggestion was made and noted.
- An email was received from Jack Stillinger to be read at the meeting regarding 3 items. 1) He still has a problem with the way the amendments and ballots were processed at the annual meeting. Reply: We have addressed this before and stated that we were going to change our procedure. Had Mr. Stillinger followed the request to mail in the ballot in the secret envelope, this would not still be an issue in July. 2) He quotes a state ruling that states we must physically post a notice of a unit owner meeting in a conspicuous place if feasible and practicable. Reply: We would be glad to post a notice if we had a place to do so. So, therefore it is not feasible or practicable. Meeting dates are included in the minutes and is available on the website. 3) We must adopt a written alternative dispute policy. Reply: As stated in the minutes of April 24<sup>th</sup>, we have been working on this and that it would be addressed at this meeting and it has.

**Next Meeting:** The next meeting will be on October 30, 2008 at 7:00pm at the San Juan Technical College.

**Adjournment:** A motion was made 2<sup>nd</sup> and passed to adjourn. The meeting adjourned at 8:25pm

Respectfully submitted:

Ruth Bignell  
Secretary to the Board



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

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**DISPUTE RESOLUTION POLICY**

Only reports of alleged covenant violations submitted in writing to the Board of Directors will be investigated. The letter describing the alleged covenant violation and identifying the alleged violator need not be signed.

The Building Advisory Committee will be responsible for investigating alleged covenant violations. A written report regarding the alleged violation will be submitted to the full board. The Board will determine what action, if any, is appropriate at the meeting following its receipt of the Advisory Committee Report. The lot owner will be notified by the Building Advisory Committee of any visit. The lot owners in alleged violation will be specifically invited to this meeting. They may present any issues pertinent to their alleged violation in person, by representative, or in writing. Failure to communicate with the Board of Directors at this meeting will mean that there are no facts to present to refute this alleged covenant violation. Owners of property adjacent to the alleged violator's may also be specifically invited to this meeting. They, too, may present any issues pertinent to the alleged violation in person, by representative, or in writing.

The lot owner in alleged violation will be notified in writing or verbally of the decision of the Board. This information will also be posted in the Association minutes.

If the Board determines that a probable violation of the restrictive covenants continues to exist, the lot owner(s) will be sent a registered letter notifying them that a covenant lien will be filed on that property within 15 days as stipulated under Colorado Law. During that 15-day period the property owner may notify the Board in writing that they wish to correct the alleged violation prior to the end of that time period. If the property owner does not contact the Board in writing within this time period the covenant lien will be filed as per the notification letter. This covenant lien will be removed by the Board following compliance by the property owner.

**Cedar Mesa Ranches-HOA  
Balance Sheet as of July 31,  
2008**

<b><u>Assets</u></b>	<b>2008</b>
Checking/ Money Market	\$44,184.75
Accounts Receivable	\$0.00
 Total Assets	 \$44,184.75
 <b><u>Liabilities</u></b>	
Accounts Payable	\$0.00
 <b><u>Members' Equity</u></b>	
Prior Yrs Equity	\$20,874.79
Current Yr Equity	\$23,309.96
Total Member Equity	\$44,184.75
 <b>Total Liabilities &amp; Members' Equity</b>	 44,184.75

**Cedar Mesa Ranches  
Statement of Income and  
Expense  
July 31, 2008**

<b>Income:</b>	2007 Actual	2008 Budget	2008 Year-To- Date Actual	2008 Difference
Dues	\$62,600.00	\$62,725.00	\$62,275.00	
Interest	\$349.59		<u>441.29</u>	
<b>Total Income:</b>			<b>\$62,716.29</b>	
<b>Expenses:</b>				
CPA - Tax Preparation	150.00	150.00	150.00	0.00
Contingency Fund	0.00	2,000.00	0.00	2,000.00
Fire Mitigation	0.00	100.00	0.00	100.00
Insurance	1,106.00	2,000.00	0.00	2,000.00
Office Supplies/ Postage	965.81	1,100.00	454.54	645.46
Legal Fees/ Not Designated	416.00	500.00	0.00	500.00
Legal Funds Designated	4,640.00	25,000.00	9,208.00	15,792.00
Road Maint/Improvements	32,327.05	25,600.00	20,203.14	5,396.86
Signs	68.74	500.00	0.00	500.00
Snow Removal	2,260.00	5,000.00	8,555.00	-3,555.00
Taxes- Federal (2007 tax return)	0.00	0.00	74.88	-74.88
Web Page	95.40	125.00	109.20	15.80
Weed Control	171.80	200.00	<u>651.57</u>	<u>-451.57</u>
<b>Total Expenses:</b>	<b>42,200.80</b>	<b>62,275.00</b>	<b>39,406.33</b>	<b>22,868.67</b>
<b>Excess of Income over Expenses:</b>	<b>\$20,399.20</b>		<b>\$23,309.96</b>	

**CEDAR MESA RANCHES HOMEOWNERS  
BOARD OF DIRECTORS MEETING**

**October 30, 2008**

*San Juan Technical College*

**7:00 p.m.**

**Minutes**

**Present:** Jim Bignell, Greg Kemp, Lisa Liljedahl, Terry Neisinger and Ruth Bignell. Nine HOA members were also present.

**Absent:** Nova Hankins

**Call to Order:** The meeting was called to order at 7:03 pm

**Approval of Minutes:** A motion was made, 2<sup>nd</sup> and passed to approve the minutes of July 31, 2008

**Secretary Report: Ruth Bignell**

- Meeting minutes of April 24<sup>th</sup> went out on August 7, 2008
- Lot 24 sold to Samuel & Jennifer Carter.
- Certificate of Good Standing was filed with the State of Colorado on August 23, 2008

**Treasurer's Report: Lisa Liljedahl**

- Liability coverage was paid in August.

**Committee Reports:**

**Fire & Weed-Terry Neisinger**

- The fire season has been minimal with only a few lightning strikes reported.
- We have not had much rain, so be careful when burning slash.

**Building Advisory – Greg Kemp**

- 12 letters were sent out to lot/tract owners that have no lot ID on their property. Of those sent, we still have 3 vacant lots and 2 properties with homes that still have not installed property ID on their lots. We cannot stress how important it is for those with homes to properly identify their lot address in case of a fire or emergency. Our covenants specifically state that there must be identification on each lot/tract. A motion was made, 2<sup>nd</sup> and passed to send a letter to those properties without ID. They will be given 30 days to comply.
- The Mancos Fire Dept. provides property signs. See flyer in these minutes. If, for some reason they are unable to do so, the HOA can provide the same signs for \$20 including installation. If interested, get in touch with Greg. Phone# 970-560-0562.
- Currently, there are 15 properties for sale in the subdivision.
- FYI: Currently, there are 2 companies that have approval for gravel pit operations on the north side of Hwy. 160 within 1 mile west from Rd. 39. The third company is applying to join them in this same location. 1) The existing Noland pit operation was told by the County Commissioners that they would be required to apply for a high impact permit to manufacture asphalt on their property after Nov. '07. They filed a lawsuit against the County claiming that asphalt manufacture was grandfathered in on their property. They lost the lawsuit and it is not known at this time if they will appeal that decision. 2) A second company was given approval for gravel pit operations immediately east of the Noland pit. Their application for a cement plant and an asphalt plant on this site was denied by the County Commissioners because the Colorado Court of Appeals had ruled that the Land Use Code that existed at that time did not allow those uses in that zoning classification. In July '08, the County commissioners changed the Land Use Code to allow them to disregard this ruling by the Court of Appeals. This company has not yet applied for approval for these operations under the new law. 3) In Oct. '08, a third company was granted approval for both gravel pit and asphalt manufacturing operations on a site immediately east of the second gravel pit by the Planning Commission under the new law. The Planning Commission decision is advisory only. The County Commissioners will rule on this application on Mon., Nov. 17<sup>th</sup>. If this asphalt plant is approved at that meeting, it is likely that there would be 3 asphalt plants operating with 1 mile of one another on the north side of Hwy. 160 west of

#### Roads – Jim Bignell

- Roads 35 and K.3 were graded after a rain storm in September.
- Roads will be graded within the next 2 weeks. Hopefully, we will get rain and not have to pay to bring in water.

#### Activity & Grounds – Ruth Bignell

- No activity since August.
- The HOA Christmas Get Together will be on Sunday, December 21<sup>st</sup>. A flyer is in these minutes.

#### Nomination Committee:

- It is that time of year again when we vote for the 2009 Board of Directors. The deadline for submitting your name in nomination and a short statement of why you want to serve on the Board is November 21, 2008. You may send the information via mail or email to: [biggyr02@aol.com](mailto:biggyr02@aol.com) The by-laws state that you must place your name in nomination to be considered to run for the Board.
- Ballots will go out on December 6, 2008 along with information about the Annual Meeting in January.
- There will be 3 changes in the way we handle the voting. 1) There will be a ballot box available for your ballot at the door. 2) The dues bill and the ballot will be embossed to avoid duplication of either. 3) The Annual Meeting starts promptly at 3:00 p.m. The ballot box will be opened and counting will begin at that time. If you are late, there is no guarantee of secrecy. If you think you cannot make it by 3pm, it is recommended that you mail in your ballot. Please allow enough time for the ballot to arrive before Jan. 10<sup>th</sup>. If you live out-of-town, please allow a week for it to arrive. We would like everyone to exercise their right to vote and we would like to have every vote count.
- Ballots must be returned in the stamped envelope provided.

#### Old Business:

- **Speeding:** We continue to have a problem with speeding. It is mostly contractors but there are some residents that speed as well. Jim spoke with the Sheriff about our problem. Some people were under the impression that the sheriff would not enforce speeding on red roads. That is not correct; he said that his department can enforce speeding regulations if needed. Jim asked if he could post a deputy in the subdivision from 7-9am and 4-6pm a few times a month. He agreed to do so. We are not sure this is happening but will find out. It was suggested that we have the sheriff place a digital speeding sign in the subdivision but he was against it as they would have to take it in every night because people shoot at it.
- **Lawsuit:** The following statement was read regarding the lawsuit.  
*On October 7, 2008, Jim & Ruth Bignell traveled to Rockville, MD to attend an October 8, 2008 court hearing on the litigation between Ruth Bignell, the HOA and Torin Andrews. Mr. Andrews had hired an attorney. Initially, the hearing did not take place before the judge because Mr. Andrews wanted to dismiss his allegations and both of us walk away. After much discussion between attorneys, a settlement was proposed. The proposed settlement was taken before the judge and the preliminary proposal was entered into court record. The proposed settlement was agreed to in theory by both parties. The agreement is to be finalized within 30 days. The due date is November 19, 2008*

#### New Business:

- A theft was reported on Lot 116. A total of \$2500 worth of tools was stolen.
- There have been reports of people from outside the community looking for free wood.
- It has been reported that there are people trespassing on private property. They have also marked trails.

**Open Discussion:** There was no open discussion.

**Next Meeting:** The next meeting will be the Annual Meeting, Saturday, January 10, 2009 from 3:00 – 5:00 p.m.

**Adjournment:** A motion was made 2<sup>nd</sup> and passed to adjourn. The meeting adjourned at 7:45pm

Respectfully submitted:

Ruth Bignell  
Secretary to the Board

**Cedar Mesa Ranches-HOA  
Balance Sheet as of September 30,  
2008**

**Assets**

**2008**

Checking/ Money Market	\$39,998.08
Accounts Receivable	\$0.00
Total Assets	\$39,998.08

**Liabilities**

Accounts Payable	\$0.00
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**Members' Equity**

Prior Yrs Equity	\$20,874.79
Current Yr Equity	\$19,123.29
Total Member Equity	\$39,998.08
<b>Total Liabilities &amp; Members' Equity</b>	<b>39,998.08</b>

**Cedar Mesa Ranches  
Statement of Income and Expense  
September 30, 2008**

Income:	2007	2008	Year-To- Date	2008
	Actual	Budget	Actual	Differer
Dues	\$62,600.00	\$62,725.00	\$62,275.00	
Interest	\$349.59		496.53	
<b>Total Income:</b>	<b>\$62,949.59</b>		<b>\$62,771.53</b>	
<b>Expenses:</b>				
CPA - Tax Preparation	150.00	150.00	150.00	0
Contingency Fund	0.00	2,000.00	0.00	2,000
Fire Mitigation	0.00	100.00	0.00	100
Insurance	1,106.00	2,000.00	1,140.00	860
Office Supplies/ Postage	965.81	1,100.00	496.54	603
Legal Fees/ Not Designated	416.00	500.00	0.00	500
Legal Funds Designated	4,640.00	25,000.00	9,208.00	15,792
License - Corporate	32,327.05	25,600.00	23,118.06	2,481
Road Maint/Improvements	68.74	500.00	0.00	500
Signs	2,260.00	5,000.00	8,555.00	-3,555
Snow Removal	0.00	0.00	0.00	0
Taxes - Federal (2007 tax return)	95.40	125.00	109.20	15
Web Page	171.80	200.00	786.56	-586
Weed Control	42,200.80	62,275.00	43,648.24	18,636
<b>Total Expenses:</b>	<b>\$20,399.20</b>		<b>\$19,123.29</b>	
<b>Excess of Income over Expenses:</b>				
				<b>\$43,628.39</b>

Total legal fees designated for 2007 & 2008 \$13,848