

# CEDAR MESA RANCHES HOMEOWNERS BOARD OF DIRECTORS MEETING MINUTES

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**March 18, 2015  
MANCOS PUBLIC LIBRARY**

**Present:** Greg Kemp, Paul Ruatti, Diane Cherbak, and Don Murrell.  
There were 5 HOA members in attendance.

**Call to Order:** The meeting was called to order at 7:20 pm.

**Approval of Minutes:** The minutes of the Annual Meeting on September 13, 2014 were approved. These minutes were sent to the membership on January 26, 2015. The minutes of the Board meeting on December 10, 2014 were approved. These minutes were sent to the membership on January 23, 2015. A summary of the Executive Session held on February 8, 2015 is included as an addendum to the minutes of this meeting.

## **Secretary's Report: Chelsea Jones/ Greg Kemp**

- Chelsea reported on the progress made on the new website. She asked for more pictures and a GIS of plat map of the subdivision to be included in the website.
- Greg Kemp reported that our one-year trial membership in the Community Associations Institute has been terminated.
- Our contract with Association Voice is pending cancellation. Diane will forward the invoice to Chelsea.

## **Treasurer's Report: Greg Kemp**

- The 2015 annual dues notices were sent out on January 9, 2015. To date, 79 members have paid in full and there has been no response at all from 14 members. There have been 45 updates to addresses to date. This is a regular occurrence.
- No financial report was presented because there is still no bookkeeper for the HOA.
- A resolution was approved for all Board members to become authorized signers on the HOA checking account.
- A discussion was held about conducting a financial review of our accounts. This would cost approximately \$1500-2000. No action was taken at this time.
- Due to the lack of interest, there was no further discussion on the formation of a finance committee as suggested at the Annual Meeting.

## **Building Advisory Committee Report: Greg Kemp**

- There are four apparent covenant violations currently pending resolution.
- Fines were authorized per Policy #5 for two long-term liens for covenant violations.

## **Property Management Committee Reports:**

### **Fire & Weed-Paul Ruatti**

- Budgeted funds of \$600 were expended for the acquisition of additional equipment for the volunteer emergency first responders. This is one of the requirements for acquiring our “Firewise Community” status, which is a principle goal for this year.
- The list of volunteer weed sprayers and their assignments has not yet been completed.
- Discussion was held about doing a better job at spraying the noxious weeds. More than thistles need to be sprayed and they need to be sprayed more than once a season.

### **Roads-Diane Cherbak**

- There have been three snow plowings at \$900 each so far this year.
- Road 35 was graded from the entrance to K.3. It became too dry to do any further grading.
- MagChloride is not yet available from Montezuma County.
- Don Murrell volunteered to inspect all driveway culverts. Malfunctioning culverts will be reported to the President so the property owner can be notified to take corrective action.
- It was suggested that an articulated mower be used to clear excessive growth of vegetation in all road ditches. The expense and availability of this equipment will be investigated.

### **Activities and Grounds – Greg Kemp**

- Finish work will be done on the entrance gate as soon as weather and the availability of volunteers permit.

## **Old Business**

- No draft proposal for a revised and simplified proxy form for Annual elections has yet been presented to the Board for consideration. Present member, Cheryl Brodhagen, volunteered to draft a new proxy for Board review.
- A proposal for an addition to Policy #5 prohibiting group camping on property in our subdivision unless the property owner is in residence is still being formulated.

## **New Business**

- A proposal to review and simplify the Revised Declarations proposed in 2010, which was designed to ensure they conform to current Colorado law, was discussed. Approval was given by the Board to continue discussion with a legal firm in the Denver area on this matter; specifically relating to costs that would be incurred for a review. No expenditures were authorized at this time.

## **Open Discussion**

- Greg Kemp volunteered to approach Slavens stove department about a significantly reduced fee for chimney sweeping during the month of May provided that enough residents sign up for a coordination for this service.
- There was a suggestion made to increase the number of Board meetings from four per year to six per year. There was also a suggestion made to increase the number of Board directors from five to seven. The Board will consider both of these proposals at the next Board meeting.
- Gail Mingesz requested a letter in writing giving her permission to have approximately 40 people and a porta-potty on her property over the weekend of April 10, 2015.

**Next Meeting:** The next Board meeting is scheduled for Wednesday, June 24, 2015 at 7:00pm at the Mancos Library.

**Meeting was adjourned at 9:05 pm.**

Respectfully submitted:

Greg Kemp, President  
March 30, 2015

**Executive Session – Sunday, February 8, 2015**

- In accordance with Article 3.11 (A)(1) of the Bylaws, the Board of Directors of the Cedar Mesa Ranches Homeowners Association held an Executive Session from 1:00-4:00pm. Greg Kemp, Paul Ruatti, Diane Cherbak, and Don Murrell were present.
- The items discussed concerned the employment of Chelsea Jones Designs as the designer/administrator of the HOA website and the employment of Brenda Hindmarsh as the HOA bookkeeper. No other items were discussed at this meeting.

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

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**June 24, 2015  
MANCOS PUBLIC LIBRARY**

**Present:** Greg Kemp, Paul Ruatti, Diane Cherbak, Bob Fetterman, and Don Murrell.  
There were 4 HOA members in attendance.

**Call to Order:** The meeting was called to order at 7:04 pm.

**Approval of Minutes:** The minutes of the Board meeting on March 18, 2015 were approved. These minutes were sent to the membership and posted on the CMRHOA website on April 13, 2015.

**Treasurer's Report: Greg Kemp**

- 129 members have paid their dues & 4 have submitted partial payments. We have received no payment from 8 members; liens have been filed.
- There is an approximate \$25,000 balance in the checkbook.
- There was some confusion over the appointment of Dana Fetterman as the HOA Treasurer (She will not be serving on the Board). There was a consensus via e-mail on March 28 that she be appointed Treasurer, but she has yet to receive documents and receipts from the end of January onward. Lisa has everything to date up to that point. Greg will get documentation to Dana asap.

**Building Advisory Committee Report: Greg Kemp**

- There have been four new inquiries about building.
- There were four covenant violations; three have been resolved.

**Property Management Committee Reports:**

**Fire & Weed-Paul Ruatti**

- Weed spraying was delayed this year because of all the rain in May. Spraying began earlier this week.
- We received a letter from the County regarding our deficiencies in weed abatement. They asked us to use a different chemical next year (Milestone @TM) as it is better at killing weeds. Paul will check prices online.
- The County wrote warning letters to some lot owners regarding their lack of noxious weed control.
- We received some new tools for fire fighting – Pulanski axes, hard hats, fire rakes, and a six gallon portable water pack. Paul will distribute them to the first responder team. We need to put "CMR" labels on them so we will be identifiable at the scene.
- Diane will contact prior first responders to verify their commitment for 2015 fire season.
- Paul talked about Kick Start grants that may be coming available through FireWise. Possible use would be the rental of a fire curtain.
- A County-wide fire ban is NOT in place at this time.

- We need to have a community fire education day to qualify for the FireWise Community rating.
- If we do respond to a fire, we need to call 911/Mancos Dispatch first before going out.

#### **Roads-Diane Cherbak**

- \$13,872 was spent on gravel and barrow ditch cleaning on May 3<sup>rd</sup> in preparation for mag chloride spraying.
- \$21,763 was spent on May 21<sup>st</sup> for spreading of mag chloride; Road 35 from the subdivision entrance to K.3; K.3 to 100 yards past J.9; and the first 100 feet of J.9.
- Diane will contact Dale regarding mowing of the roadsides. We would like to use an articulating arm so that it can reach in the steeper areas.
- Cheryl Brodhagen mentioned that she knew someone that may have the necessary equipment and we could use him instead. She will get back with Diane.
- Fire roads need to be brush cut.
- We received a proposal from Jennifer Carter to help write a grant to bring our roads up to County standards. Before she can write the grant, we need to contact a road engineer that can tell us exactly what needs to be done.
- Greg reported on a survey that the County conducted on Road 34. They determined that 75% of the traffic drives between 30-45mph.
- Present homeowner, Terry Wheeler, will survey the ten miles of roads looking for necessary repairs. He will submit report to Diane.

#### **Activities and Grounds – Greg Kemp**

- The community bulletin board had been repaired.
- Slavens provided discounted chimney sweeping on June 9<sup>th</sup> and 11<sup>th</sup>. Thank you Slavens.
- We need someone to organize the annual picnic that is held in conjunction with the Annual Meeting in September.

#### **Old Business**

- Bob Fetterman volunteered to draft a new proxy for Board review. Terry Wheeler offered to help.
- Chelsea is still working on the new website. She had difficulty getting in touch with Association Voice and they won't relinquish the current URL. We want to be able to redirect users from the current website to the new one. At Greg's request, Bob Fetterman will submit a review of the new website.
- Greg has been in contact with a law firm in Denver regarding the simplification of the Revised Declarations proposed in 2010. Based on our legal fees budget of \$2500 for 2014 and 2015, Greg was authorized to spend no more than \$5000 on this effort.
- On June 3<sup>rd</sup>, the Board appointed Bob Fetterman to fill the remainder of the vacant Board seat until September 2015.

## **New Business**

- Don Murrell presented a motion to increase the number of BOD meetings from four/year to six/year. With the exception of the Annual meeting, regular meetings will be held on the third Wednesday of odd-numbered months, unless otherwise scheduled at the previous meeting. The Annual meeting will take place on the third Saturday in September, unless otherwise scheduled at the last regular meeting. Motion passed. New meeting schedule will start with the Annual meeting in September 2015.
- Don Murrell presented a motion to increase the number of CMRHOA Board members from five to seven, to change terms to two years rather than three, and to cease staggered terms. No second. Motion failed.
- A budget was proposed and accepted for 2016. At this point it is identical to the 2015 budget.
- A motion was made to procure a bond that will cover the HOA since our Treasurer is not on the Board of Directors. Passed.
- A motion was made to move our bank account(s) from FCCB to Dolores State Bank. There have been several issues recently that have made handling our account difficult. DSB is open on Saturdays, whereas FCCB is not. With DSB acquiring Mancos Valley Bank, there will be a branch in Mancos that we can use as well as the branch in Cortez. Passed.
- The date for the Annual Meeting was established as Saturday, September 19, 2015.
- In accordance with Section 2.02, Paragraph E, Sub-section I, nominations for election to the available Director position must be received by the HOA no later than Friday, July 31, 2015 in order to be approved by the nomination committee for inclusion on the ballot.
- An addendum to the minutes stating the necessary procedures for submitting nominations is included with these minutes.
- The ballot will be mailed to the members on, or before, Wednesday, August 19, 2015.
- Volunteers for preparing the ballot packets, addressing, and mailing them, as well as conducting the election, are needed. Please notify the Board as soon as possible if you are willing and available to help with this extremely important task.

**Meeting was adjourned at 9:25 pm.**

Respectfully submitted:

Greg Kemp, President  
July 7, 2015

**ADDENDUM TO MINUTES**  
**ELECTION FOR BOARD OF DIRECTORS**

There is one position on the Board of Directors that is up for election at the Annual meeting this year. The position is a three year term.

If you wish to be on the ballot at the annual meeting for one of these positions, you must first place your name in nomination. This year **the deadline for submitting your name in nomination with a short statement of your qualifications and why you would like to serve is July 31, 2015.**

**Write-in ballots are not permitted.**

You must send your information to the nomination committee via email or postal mail so that it is **received by July 31st.** The addresses for submission are:

**Email:** [cmrhoa@yahoo.com](mailto:cmrhoa@yahoo.com)

**USPS:** CMR HOA  
P.O. Box 62  
Mancos, CO 81328

**Cedar Mesa Ranches Homeowners Association, Inc.**  
**PO Box 62, Mancos, CO 81328**

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**Minutes of the Board of Directors Executive Meeting**

**Date:** 9 August, 2015

**Place:** Home of Bob Fetterman, Lot 55

**Present:** BOD members Paul Ruatti, Diane Cherbak, and Bob Fetterman

**Call to Order:** The meeting was called to order at 9:28 AM.

**New Business**

It has been brought to the Board's attention that three lawsuits have been brought against the Association, or its Board members as a named group, or against named individual(s) on the Board. Details are not available because all legal communication has been withheld from the remainder of the Board by Board President Greg Kemp. Details regarding the reasons for the lawsuits are also unclear, but it is reasoned that President Kemp, acting in the capacity of Association Treasurer, and against the expressly stated wishes of Board member Don Murrell to not do so, billed Association dues to HOA property owners who, by prior agreement or court decree, may not be liable for these dues, and in retaliation for liens placed upon their properties for non-payment have brought suit against the Association.

It has also been brought to the Board's attention that President Kemp has written an Association check for \$1000 as a retainer to a local legal firm as well as numerous other checks. These actions were also without the knowledge of the Board and are considered unapproved expenditures.

Association Vice President Paul Ruatti reported that in attempting to close out our account at Four Corners Community Bank, on Saturday, 8 August, 2015, as approved by Board vote on June 24, 2015, he was informed that President Kemp had placed a lock on the account to forestall such closure.

In consideration of these events, and in response to President Kemp's refusal to relinquish the Association checkbook, the Board feels it necessary to take action to safeguard the Association's interests. President Kemp chose not to engage Board members when presented with the opportunity to do so on or about 9 AM, this day, at his place of residence, so it was decided to convene this Executive Meeting.

Diane Cherbak moved to proceed with the closure of the Association's current checking account with Four Corners Community Bank, Citizens State Branch, and to remove any access President Kemp may have to our Reserve account also held there. It was noted that a revised authorized signers page would need to be filed with the bank as well as providing this Executive Meeting's minutes and the minutes from the June 24 Board Meeting to properly document the decisions of the Board. The motion was seconded and approved.



Paul Ruatti moved to have the postal box lock rekeyed. This action would allow the Board to properly monitor legal communications sent to the Association's mailbox. The motion was seconded and approved.

Diane Cherbak moved to bring a vote of no confidence against President Kemp. It was noted that this action does not remove an officer from office, but establishes the basis for the Board's actions and demonstrates the Board's commitment to remediation of problems brought on by an individual acting without the Board's knowledge or approval. The motion was seconded and approved.

The meeting was adjourned at 10:05 AM.

Submitted by Bob Fetterman

# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

President – Greg Kemp  
Phone – (970) 560-0562

## Executive Session of the CMRHOA Board of Directors 16-August-2015

### AGENDA

#### Basis for Session:

Questions brought to the Board's attention on or before Saturday, 8-August-2015 required responses that could not be furnished without consultation with the Board President. Such consultation was attempted by a majority of the Board members at or about 9am, Sunday, 9-August-2015 at his place of residence and was unsuccessful. It is desired at this Session to more fully understand and assess what risk the CMRHOA may or may not have been exposed to and whether information the Board President may provide might help answer the original questions posed.

#### Questions:

- Which liens, if any, placed in 2015 are known, or reasonably expected, or suspected to result in legal actions against the CMRHOA? For what reason(s) were the liens placed?
- Are there any reasonable expectations that any of the legal actions above could even now be averted by immediate action by the BOD? What sort of action(s) by the Board? Timeframe?
- Based on the information available at this time, were all actions by the Board President in these matters considered taken in "good faith"? Were any considered ill-advised?
- Is it known that the Board President has withheld any information from the Board regarding these matters? If so, would it have mattered considering the known, expected, or suspected outcome(s)?
- Who shall be authorized as "point person" in representing the HOA in the known legal action (Huseby)?
- What preventive measures, if any, can practically be put in place regarding the use of liens to prevent reoccurrence of legal backlash that could otherwise be avoided?
- Are any known financial actions taken by the President considered inappropriate? Could any known financial actions taken by the President be considered to have put the HOA's assets at risk?
- Has any information become available or been offered that affects the accuracy of or would have influenced differently the actions approved in the 9-August-2015 Executive Session of the Board?

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The meeting was adjourned at 10:05 AM.

Submitted by Bob Fetterman



Diane Cherbak



Paul Ruatti  


I, Diane Cherbak, CMRNOA Secretary, do attest that the foregoing minutes are complete and correct.



# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

Interim President – Greg Kemp  
Phone – (970) 560-0562

## **BOD Meeting Minutes November 18, 2015 Mancos Public Library**

**Present:** BOD - Greg Kemp, Paul Ruatti, Diane Cherbak, Bob Fetterman.  
Audience – Stan Mattingly, Bob Sanders, Chelsea Jones, Richard Forster,  
Dana Fetterman, Terry Wheeler, Christie Berner, Cheryl Brodhagen, Renee Eastin,  
Jeff Eastin; Visitor: Mark Rogers Total: 15

**Call to Order:** The meeting was called to order at 7:02 pm.

**September BOD minutes:** A motion to accept was seconded and approved.

**Secretary's Report:** Bob Fetterman

- Seven filings with the County Clerk;
- Copying of past legal documents;
- Continuation of requests for missing membership contact information.

**Webmaster's report:** Chelsea Jones

- Reminder that info and updates are now posted to the new website *cmrhoa.org*;
- The HOA's domain name owned by Association Voice is soon to expire allowing us to regain group email control through the website;
- Tracked 5 actual logins beyond general access to date .

**Treasurers Report:** Diane Cherbak

- Expense spreadsheets available at BOD meetings are now detailed by month and itemized expenditures;
- Treasurer asked for clarification of the term "Contingency Fund" vs. "Reserve Fund". President Kemp replied that the Reserve Fund is an emergency account stipulated by Bylaw, whereas the Contingency Fund is an accounting convenience to cover unbudgeted expenditures similar to a flexible spending account;
- The Reserve Fund initially held funds targeted at two times annual dues revenue when dues were much less. Today the fund has a higher value, but at a fraction of current annual dues revenue;
- A total of about \$7300 in legal fees has been paid to settle the Huseby/VerdeVue lawsuit.

# Cedar Mesa Ranches Homeowners Association, Inc.

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Interim President – Greg Kemp  
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## **Building Advisory Report:** Greg Kemp

- 2 residences currently under construction;
- 1 site plan under review;
- 1 covenant violation resolved;
- 2 long term covenant violations outstanding;
- President Kemp cautioned that the original street addresses on unimproved lots may be reassigned by the county once construction begins in an attempt to bring new residences up to date with the fire department's GPS locator system.

## **Fire/Weed report:** Paul Ruatti

- Weed killer expenses have been submitted to the County for reimbursement based on an arbitrary separation of 50/50 by targeted weed into repayment categories of 75% and 50%;
- Providing homeowner fire mitigation training (voluntary) in 2016 would qualify CMR for USA Firewise Community designation.

## **Road report:** Diane Cherbak

- Terry Miller has researched and reported on a recently available road base stabilization process using a sugar-based product that is non-corrosive and much less sensitive to moisture. While application is more expensive than mag chloride, it has been reported by other area HOAs as being much more effective, resulting in less interim blading expense. The Road Committee is investigating the feasibility of a trial application to a portion of Road 35 in 2016. If you've had any experience with Alan Dickens or AJ's Road & Excavation, the Road Committee would like your feedback;
- The big hill on Road 35 experienced icing on November 17 that prevented at least 2 vehicles from negotiating the ascent. It was surmised that refreezing of early slush contributed to the icing. Blading was ordered and the hill was again made passable;
- The audience was reminded by Bob Sanders that an HOA covenant requires that the roads be maintained for 2-wheel drive traffic except during extreme conditions. He asked the county for a definition of the phrase and was told they consider extreme conditions when motorists must "chain up" to negotiate Mancos Hill on route 160.
- Bob Sanders volunteered to inspect the roads during/following winter storms by 2-wheel drive prior to early morning commuting and recommend to the Road Committee when plowing is necessary. He stated that he would not include J.7 in his inspection due to its hazardous nature under winter weather conditions.

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## Activities/Grounds report: Greg Kemp

- Attendance at the picnic following the Annual Meeting was similar to previous years;
- 2 road signs and 1 fire sign on wood posts had rotted out and fallen. It is intended to replace these signs on steel posts;
- President Kemp has a red fire danger flag that may be attached to a pole on the fire substation or by the entrance fire sign.

## Old Business:

- Covenant Revision Committee – Paul Ruatti and Diane Cherbak reported all activity on hold until resolution of current litigation involving our HOA covenants;
- Camping Policy – Paul reported all activity on hold for same above reason.

## New Business:

- Stan Mattingly reported on current issues under consideration by the BLM regarding implementation of the area's federal Resource Management Plan in Montezuma County. These issues address public land usage and more specifically oil and gas leasing, exploration, and possible production in target areas that include lands immediately surrounding CMR on 3 sides.

Stan recommended reading the Record of Decision posted on the Tres Rios BLM district's website and suggested that all CMR members attend or at least avail themselves of local media coverage of BLM and County Commissioners meetings to keep abreast of developments that may affect the environmental quality and lifestyle we've come to enjoy and expect in CMR;

- It was moved and approved to create an Oil & Gas Committee that would attend public meetings and report to the Board on public land usage issues affecting CMR. The committee would also be authorized to represent CMR in matters considered vital to the HOA's interests with the Board's approval. The committee will also be given access to *cmrhoa.org* for the posting and email bursting to the membership of information, maps, analyses, etc considered of vital interest and approved by the Board. The committee comprises Stan Mattingly, Bob Sanders, Bob Fetterman and is open to any interested CMR individual(s). Please contact the committee or any Director to volunteer;
- Visitor Mark Rogers reported on his intention to purchase Track K (J. Christiansen) for the purpose of operating it as a short-term vacation rental by owner (VRBO) property – 35 acres with main and guest residences.

It was noted by the BOD that according to legal counsel, a Colorado Appellate court upheld a District Court decision ruling against an HOA with a covenant prohibiting "commercial" use of a member's property, and "for" the member offering his property as a short-term VRBO which the 3 appellate judges considered a permissible "residential

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use” versus a prohibited “commercial use”. For this reason the Board felt that because our covenant likewise uses the phrase “commercial use” in its usage prohibition, we could not legally prevent Mr. Rogers from pursuing his planned activity. However, our covenant against “rental” of any guesthouse does not suffer from vagueness of terminology and any guest house would be considered non-rentable.

In addition, the Board had concerns about the danger and liability to the HOA of parties unfamiliar with CMR’s roads using road J.7 under challenging weather conditions – the HOA having responsibility for J.7 and not Mr. Rogers, who offered to plow for his guests. In addition, this short-term rental scenario would set a precedent for the approximately 40 CMR properties that currently are absentee-owned and have abided by the intent of the current usage covenant.

Comments offered from the audience also were negative towards Mr. Rogers’ planned usage, citing the change to the character of the community and inability of the HOA to hold rental parties accountable for any negative actions.

In light of the negative response from the community to his plans, Mr. Rogers agreed that he might be facing more aggravation than the venture was worth.

The audience and the Board thanked Mr. Rogers for being open about his plans and having the courtesy to bring them to the community’s attention in such an open forum.

- 2016 Snow Plowing Contract – Diane Cherbak reported that negotiations are in progress.

## **Open Discussion:**

- Loose dogs have been seen roaming along Road 35 and Road 35.3 – this is prohibited by covenant and county ordinance;
- An open/uncovered wood lot operation is visible along Road 35 – a letter to the owner is proposed;
- The next BOD meeting is scheduled for January 20, 2015 @ 7:00pm at the Mancos Public Library.

**Adjournment:** The meeting was adjourned at 9:15 pm.

Respectfully submitted:

Bob Fetterman, Secretary  
November 22, 2015



# Cedar Mesa Ranches Homeowners Association, Inc.

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cmrhoa.org

Interim President – Greg Kemp  
Phone – (970) 560-0562

## 2015 Annual HOA Meeting Minutes September 19, 2015 Mancos Public Library

**Present:** BOD - Greg Kemp, Paul Ruatti, Diane Cherbak, Bob Fetterman, Don Murrell.  
Audience - 35 HOA members. Total: 40

**Call to Order:** The meeting was called to order at 3:05 pm.

**Greeting and opening remarks:** President Kemp.

**June BOD minutes:** Acting Secretary Cherbak – moved to accept (DC/PR).

**County weed seminar report:** Bob Fetterman

- General weed control pamphlets available for handout;
- Weed identification/control aids for loan (check-out);
- All materials will be added to the new HOA website including cost sharing directions/applications.

**Tech report:** Webmaster Chelsea Jones

- *cmrhoa.org* is on-line and ready for use as the replacement for the old *cedarmesarancheshoa.org* site previously managed by Association Voice;
- It was suggested that Chelsea add herself as a Contact choice as webmaster;
- Any suggestions/requests can be emailed to her at *me@ChelseaJonesDesign.com*.

**Secretary/Treasurers Report:** Diane Cherbak

- Presentation of 2016 HOA budget – identical to 2015 budget – opened for discussion;
- Huseby lawsuit synopsis and costs - We will have to pay lawyer fees totaling ~\$5000. It has been decided to pay out of pocket rather than file an insurance claim. We don't want to lose our claim-free discount or risk a premium increase;
- Discussion of use of liens in collecting delinquent dues - moved to open portion of meeting;
- Discussion about raising the budget for snow removal - it's expected that this could be a heavy snow year. There was general discussion about the budget process. The Board decided to defer snow budget increase until November meeting.

**Building Advisory report:** President Kemp

- Covenant violations (2 long-term unresolved; 2 new);
- Property identification issues (4);
- New construction (2);

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- Sale of lots (5);
- Dwellings (89);
- Lots for sale (20);
- Dwellings for sale (4).

## **Fire/Weed report:** Paul Ruatti

- Tamarisk found on several properties by County Weed Inspector. This needs to be eliminated by cutting followed by chemical stump treatment for 2 years;
- There have been 2 fires in the subdivision this year. A lightning strike fire occurred around Road 35 & 35.6 (self-extinguished);
- Fire tools and hardhats have been purchased;
- "Firewise Community" designation and sign, which has been requested from the Fire/Weed Committee each year for the past three years, has still not been acquired;
- A fire grant budget line item was suggested to build up a fund to use for Firewise grants (usually short notice);
- Will add Fire/Weed links to our new website;
- Use *Nixle.com* to register for emergency alerts (similar to reverse 911).

## **Road report:** Diane Cherbak

- Spent around \$53K on road improvements this year;
- ~\$40K for grading/application of mag chloride;
- ~\$10K for other maintenance and repairs;
- ~\$4K to repair exposure of utility lines in 3 arroyos due to erosion;
- Total expenses were 100% of the amount collected for roads, including the extra \$100 assessed for 2015;
- Discussion about condition of roads and varying opinions on how we should treat them. John Lyren reported on a road treatment similar to mag chloride but insensitive to moisture (~50 cents more per sq ft).

## **Activities/Grounds report:** President Kemp

- The bulletin board by the mailboxes has been repaired;
- Trash picked up along Road 35 by entrance;
- Entrance mowed this spring;

## **President's report:** President Kemp

- Paul Ruatti offered to form a Committee of volunteers to review/propose new declarations suitable to the community. Anyone interested in this essential task is encouraged to contact him;
- New proxy form created this year;

# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

Interim President – Greg Kemp  
Phone – (970) 560-0562

- Bob Fetterman ran uncontested for the open Board seat. Resolution by Unanimous Consent was signed by the 4 Board members to appoint Bob to Board.

## Open Discussion:

- David Nigteagle. Presented original plat and covenants. Reiterated court case from 2012, i.e., “HOA not CCIOA”. Implied that every bylaw and covenant change since 1998 is invalid;
- John Lyren – Questioned Greg sending dues notice to Torin Andrews. Asked for Greg’s resignation.  
Note: dues notice was not sent to Torin Andrews but to the current property owner of lot 107 – “10999 Cedar Mesa LLC”;
- Member - We need to come together as a community. PLEASE stop the road graffiti! It’s juvenile;
- Meetings every two months. Next meeting November 18, 2015 @ 7:00pm at Mancos Public Library;

**Adjournment:** The annual meeting portion was adjourned at 5:07 pm. The audience was invited to the HOA picnic in Boyle Park immediately following the meeting.

## APPOINTMENT OF OFFICERS

The Board reconvened for the appointment of officers as follows:

Vice President: Paul Ruatti

Treasurer: Diane Cherbak

Secretary: Bob Fetterman

Interim President: Greg Kemp

Note: Greg consented to serve on an interim basis in the absence of any other Board member willing to fill the President’s seat at this time.

The Board adjourned from appointment of officers.

Respectfully submitted:

Bob Fetterman, Secretary  
September 30, 2015

**From:** Bob Fetterman <bfett6@gmail.com>  
**To:** Diane Cherbak <diane\_cmrhoa@yahoo.com>  
**Sent:** Monday, July 27, 2015 12:55 PM  
**Subject:** Open Boad Seat application

My wife and I retired to CMR in 2013. I am a computer scientist and worked as an imaging scientist in cardiovascular research for about 40 years in numerous capacities. I am also a Navy veteran and served honorably on submarines lastly as a nuclear-trained Engine Room Supervisor.

While living in Madison, CT for 13 years, I served in all executive positions of my local Lions Club, with the exception of Treasurer.

I would like to join the CMRHOA BOD generally to help foster better communication between the Board and the HOA members and specifically to help improve the usefulness of the HOA website. I believe that communication can be immediately improved by filling the vacant position of association Secretary. I also feel that the assumption of secretarial and other responsibilities by the current President is at odds with the proper separation of executive powers. I have volunteered to be Secretary but will also work diligently to recruit someone acceptable to the Board for this position.

Bob Fetterman  
Lot 55

# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

President – Greg Kemp  
Phone – (970) 560-0562

14 August, 2015

## Notice of Annual Meeting

Notice is hereby given of the annual meeting of the members of the Cedar Mesa Ranches Homeowners Association, Inc. to be held at:

Mancos Public Library  
211 East First St.  
Mancos, CO 81328

On

Saturday, September 19, 2015  
3:00 – 5:00 pm

The purpose of this meeting is to elect a new member of the Board of Directors, ratify an annual operating budget, and to conduct other routine business.

Following the membership meeting, the Board of Directors will hold a short meeting to elect officers. At this meeting's conclusion, we will adjourn to Boyle Park for the HOA barbeque.

For those unable to attend, please return your signed General Proxy form in order to establish a quorum for the conducting of business per the Bylaws. A stamped, return envelope is enclosed for that purpose.

If you have any questions, please feel free to contact me at [cmrhoa@yahoo.com](mailto:cmrhoa@yahoo.com) or by phone at (970) 560-0562.

Respectfully,

Greg Kemp  
CMRHOA President

# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

President – Greg Kemp  
Phone – (970) 560-0562

14 August, 2015

Dear Cedar Mesa Ranches HOA Members,

Enclosed in this packet are several documents relating to the 2015 Annual Meeting:

- The announcement for the Annual Meeting to be held Saturday, September 19, 2015;
- A general proxy form for those unable to attend the meeting;
- An addressed, stamped envelope in which to return your signed proxy form if you cannot attend the meeting;
- A statement from the only nominee for the single open Board of Directors position;
- An agenda for the meeting;
- The proposed 2016 Operating Budget.

We hope you will be able to attend the Annual Meeting. As you can see from the agenda, we will be electing a new Board member, reviewing the 2016 budget, and conducting membership education among other things. If you cannot attend the meeting, it is important that you send in your signed proxy in the enclosed return envelope. Your proxy helps establish a quorum that's necessary to conduct business at the meeting. Please keep in mind that it can take 6 working days for us to receive mail from out-of-state. Mailed proxies must reach us no later than September 17, 2015.

If you have any concerns or questions, please feel free to contact me at [cmrhoa@yahoo.com](mailto:cmrhoa@yahoo.com) or (970) 560-0562.

If you have any comments, you may send them in the stamped return envelope.

Respectfully,

Greg Kemp  
CMRHOA President

# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

President – Greg Kemp  
Phone – (970) 560-0562

14 August, 2015

## Annual Meeting Agenda

Mancos Public Library  
September 19, 2015  
3:00 – 5:00 pm

- Call to order
- Introduction of Board members
- Introduction of HOA members present
- President's remarks: Greg Kemp
- Approval of June 24, 2015 minutes
- Guest speakers: Bob Fetterman – Weeds  
Chelsea Jones – CMRHOA website
- Secretary's report: Diane Cherbak
  - June minutes were posted on July 13, 2015
  - Notice of Annual Meeting was distributed and posted on Aug 14, 2015
- Treasurer's report/ 2016 Operating Budget: Diane Cherbak
- Committee current and year end reports:
  - Building Advisory: Greg Kemp
  - Property Management:
    - Fire/Weed – Paul Ruatti
    - Roads – Diane Cherbak
    - Activity & Grounds – Greg Kemp
- President's Report: Greg Kemp
- Election of new Board member
- Open discussion
- Motion to adjourn
- Bimonthly Board of Directors bi monthly meeting schedule for the upcoming year:
  - Nov. 2015
  - Jan. 2016
  - Mar. 2016
  - May 2016
  - July 2016
  - Sep. 2016

Cedar Mesa Ranches  
Statement of Income and Expense  
July 31, 2015

| <b>Income:</b>                         | 2014<br>Actual   | 2014<br>Ratified<br>Budget | 2015<br>Year-to-Date<br>Actual | 2014<br>Difference | 2015<br>Ratified<br>Budget |
|--|------------------|----------------------------|--------------------------------|--------------------|----------------------------|
| Dues                                   | 65,075.00        | 66,025.00                  | 72,775.00                      | -6,750.00          | 76,450.00                  |
| Late Fees Collected                    | 250.00           | 0.00                       | 0.00                           |                    |                            |
| Excess Revenue/Expense Past Years      | 3,250.40         | 0.00                       | 477.41                         |                    |                            |
| Interest                               | 105.06           | 200.00                     | 23.29                          |                    | 150.00                     |
| <b>Total Income:</b>                   | <u>68,680.46</u> | <u>66,225.00</u>           | <u>73,275.70</u>               |                    | <u>76,600.00</u>           |
| <b>Expenses:</b>                       |                  |                            |                                |                    |                            |
| CPA - Tax Preparation                  | 150.00           | 150.00                     | 150.00                         | 0.00               | 150.00                     |
| Contingency Fund                       | 0.00             | 3,500.00                   | 0.00                           | 3,500.00           | 3,500.00                   |
| Fire Mitigation                        | 0.00             | 800.00                     | 740.18                         | 59.82              | 800.00                     |
| Insurance                              | 2,810.73         | 3,000.00                   | 1,582.08                       | 1,417.92           | 3,000.00                   |
| Office Supplies/Postage                | 1,492.52         | 800.00                     | 905.99                         | -105.99            | 1,200.00                   |
| Legal Fees                             | 1,000.00         | 2,500.00                   | 4,663.00                       | -2,163.00          | 2,500.00                   |
| License - Corporate                    | 0.00             | 10.00                      | 0.00                           | 10.00              | 10.00                      |
| Repairs & Maintenance                  | 191.44           | 250.00                     | 0.00                           | 250.00             | 250.00                     |
| Road Maint./Improvements               | 57,771.32        | 39,880.00                  | 39,650.41                      | 229.59             | 53,330.00                  |
| Signs                                  | 25.00            | 100.00                     | 0.00                           | 100.00             | 100.00                     |
| Snow Removal                           | 3,400.00         | 10,000.00                  | 3,900.00                       | 6,100.00           | 10,000.00                  |
| Taxes-Federal (previous yr tax return) | 0.00             | 110.00                     | 1.52                           | 108.48             | 110.00                     |
| Web Page                               | 1,160.00         | 1,000.00                   | 1,558.67                       | -558.67            | 1,000.00                   |
| Weed Control (net of county rebate)    | 202.04           | 650.00                     | 262.34                         | 387.66             | 650.00                     |
| <b>Total Expenses:</b>                 | <u>68,203.05</u> | <u>62,750.00</u>           | <u>53,414.19</u>               | <u>9,335.81</u>    | <u>76,600.00</u>           |
| <b>Excess of Income over Expenses:</b> | <u>477.41</u>    | <u>3,475.00</u>            | <u>19,861.51</u>               |                    | <u>0.00</u>                |



**Cedar Mesa Ranches-HOA  
Balance Sheet as of July 31, 2015**

| <b><u>Assets</u></b>                           | <b>2015</b>      |
|--|------------------|
| Checking/Money Market                          | 64,192.74        |
| Accounts Receivable                            | 3,675.00         |
| <b>Total Assets</b>                            | <b>67,867.74</b> |
| <br>   |                  |
| <b><u>Liabilities</u></b>                      |                  |
| Accounts Payable                               | 0.00             |
| <br>   |                  |
| <b><u>Members' Equity</u></b>                  |                  |
| Prior Years Equity                             | 20,874.79        |
| Current Years Equity                           | 46,992.95        |
| <b>Total Members' Equity</b>                   | <b>67,867.74</b> |
| <b>Total Liabilities &amp; Members' Equity</b> | <b>67,867.74</b> |

# Income/Expense by Category - Jul 2015

7/1/2015 through 7/31/2015

8/22/2015

Page 1

| Category                | 7/1/2015-<br>7/31/2015 | OVERALL<br>TOTAL |
|-------------------------|------------------------|------------------|
| <b>INCOME</b>           |                        |                  |
| Dues Paid               | 550.00                 | 550.00           |
| Interest Inc            | 3.41                   | 3.41             |
| <b>TOTAL INCOME</b>     | <b>553.41</b>          | <b>553.41</b>    |
| <b>EXPENSES</b>         |                        |                  |
| Fire Mitigation         | 21.58                  | 21.58            |
| Legal-Prof Fees         | 1,000.00               | 1,000.00         |
| Office Exp              | 127.32                 | 127.32           |
| Road Maint-Improvements | 3,400.00               | 3,400.00         |
| WWeb Site Expense       | 946.67                 | 946.67           |
| <b>TOTAL EXPENSES</b>   | <b>5,495.57</b>        | <b>5,495.57</b>  |
| <b>OVERALL TOTAL</b>    | <b>-4,942.16</b>       | <b>-4,942.16</b> |

**Cedar Mesa Ranches HOA  
Account Balances - As of 7/31/15**

| <b>Account</b>             | <b>7/31/2015<br/>Balance</b> |
|----------------------------|------------------------------|
| <b>Bank Accounts</b>       |                              |
| Checking                   | 24,096.33                    |
| Money Market               | 40,096.41                    |
| <b>Total Bank Accounts</b> | <b>64,192.74</b>             |
| <hr/>                      |                              |
| <b>OVERALL TOTAL</b>       | <b>64,192.74</b>             |

## Cedar Mesa Ranches Homeowners Association

|   | 2016<br>Proposed Budget | 2015<br>Adopted Budget |
|---|-------------------------|------------------------|
| <b>Income:</b>                          |                         |                        |
| Dues                                    | \$76,450.00             | \$76,450.00            |
| Interest                                | 150.00                  | 150.00                 |
|   | <u>\$76,600.00</u>      | <u>\$76,600.00</u>     |
| <b>Expenses:</b>                        |                         |                        |
| CPA - Tax Preparation                   | 150.00                  | 150.00                 |
| Contingency Fund                        | 3,500.00                | 3,500.00               |
| Fire Mitigation                         | 800.00                  | 800.00                 |
| Insurance                               | 3,000.00                | 3,000.00               |
| Office Supplies/ Postage                | 1,200.00                | 1,200.00               |
| Legal Fees/ Not Designated              | 2,500.00                | 2,500.00               |
| License - Corporate                     | 10.00                   | 10.00                  |
| Repairs & Maint.                        | 250.00                  | 250.00                 |
| Road Maint/Improvements                 | 53,330.00               | 53,330.00              |
| Signs                                   | 100.00                  | 100.00                 |
| Snow Removal                            | 10,000.00               | 10,000.00              |
| Taxes- Federal (previous yr tax return) | 110.00                  | 110.00                 |
| Web Page                                | 1,000.00                | 1,000.00               |
| Weed Control                            | 650.00                  | 650.00                 |
|   | <u>\$76,600.00</u>      | <u>\$76,600.00</u>     |
| Excess Income over Expenses:            | <u>\$0.00</u>           | <u>\$0.00</u>          |
| <br>                                    |                         |                        |
| Reserve Fund Balance                    | \$40,096.41             |                        |