

# 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 January 20, 2016 Mancos Public Library**

**Present:** BOD - Greg Kemp, Paul Ruatti, Diane Cherbak, Don Murrell, Bob Fetterman.  
Audience – Stan Mattingly, Terry Wheeler. Attendance: 7

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

**November 2015 BOD Minutes:** The Minutes were approved.

**Secretary's Report:** Bob Fetterman

- No activity outside of general correspondence.

**Treasurers Report:** Diane Cherbak

- Six new road signs purchased, \$100 each;
- \$1k retainer returned by the HOA's Durango attorney;
- 2015 budget report:
  - Road budget exceeded due to unexpected utility repairs (exposures) in 3 arroyos;
  - Snow removal expenses less than budgeted;
  - Web expenses exceeded (~2x) due to inability to cancel Association Voice contract prior to hiring our current Webmaster;
  - Approximately \$11k in excess expenses over income;
  - Approximately \$25k left in the Reserve Fund.
- Suggestion to add \$40 to next budget to cover bank fees and \$250 for yearly signage;
- 2016 dues notices went out December 27;
- Financial disclosures due by 3/30/2016.

**Webmaster's report:** Chelsea Jones

- No report - Webmaster not in attendance.

**Building Advisory Report:** Greg Kemp

- Three long-term issues. Oldest concerns a covenant violation of a trailer parked along a driveway for the last 3 years and appearing no longer serviceable. The tract owner has not responded to requests for removal or remediation. It may be that the annual fines and

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interest charges are less than storage charges off-premises. This issue needs to be escalated to a priority and moved forward so as not to eventually render the covenant unenforceable;

- There was discussion of a long-standing request for a building setback variance from the established 120 feet to 100 feet as measured from J7. The reduction would ostensibly reduce the number of trees needing to be removed from the proposed building site and conform better to the existing drainage contours. A decision is awaiting installation of requested house corner stakes for better visualization of the proposed site.

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

- A rebate check was received from the county toward our weed killer chemical purchases;
- May 7 is Fire Awareness Day. Paul and Diane are to plan an activity in connection with our USA Firewise Community designation.

## **Road report:** Diane Cherbak

- A total of six road signs (3 stop, 3 hill 4WD) need to be installed this spring once the snow is gone and conditions permit;
- The charges for plowing remain the same as last year - \$900 for full road plowing, \$300 for just the hills;
- Plowing expenses for December were \$4300, for January (1<sup>st</sup> 3 weeks) \$3000;
- Trash cans are being left in the road right-of-way and interfere with plowing. Residents are reminded to move their emptied cans off the road surface.

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

- No report.

## **Oil & Gas report:** Stan Mattingly

- The focus of the recently formed Oil & Gas Committee was explained and activities enumerated. It was pointed out that the county has no authority to restrict O&G activities on federal lands. Any restrictions would be addressed by the resource management plans either on record or being proposed currently by the Bureau of Land Management in association with County Planning and in consideration of public input.

## **Old Business:**

- None.

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## **New Business:**

- Legal issues – the Board discussed advice from our attorney concerning the use of Small Claims Court as a legal means of obtaining judgments for overdue/past HOA member dues. This method would be used in lieu of filing liens with the county.
- It was moved, seconded and approved to proceed with a Small Claims Court case against the owners of Lot 99 for past dues owed for 2015.
- The HOA Secretary is to compose “Welcome” and “Information” letters to be provided for new property purchasers in CMR.

## **Open Discussion:**

- It was requested and approved to hold the 2016 Annual Meeting on the second Saturday of September, the 10<sup>th</sup>, rather than on the third Saturday as previously scheduled;
- The next BOD meeting is scheduled for March 16, 2016 @ 7:00pm at the Mancos Public Library.

**Adjournment:** The meeting was adjourned at 9:00 pm.

Respectfully submitted:

Bob Fetterman, Secretary  
January 30, 2015

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Co-Presidents: Diane Cherbak, Paul Ruatti  
Phones – (970) 739-1704, (970) 560-1413

## **BOD Meeting Minutes March 16, 2016 Mancos Public Library**

**Present:** BOD – Greg Kemp, Pres., Don Murrell, Bob Fetterman, Diane Cherbak (voting proxy for Paul Ruatti, absent).

Audience: 15 – Caryl Parker, Dan Stough, Tim & Donna Bolyard, Richard Forster, Bryan Eytcheson, John Lyren, Kim Lanyon, Cathy Wyant, Joyce Murrell, Janet Huffman, Gail Mingesz, Terry Wheeler, Janice Christiansen, Chelsea Jones.

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

**January 2016 BOD Minutes:** The Minutes were approved.

**Secretary's Report:** Bob Fetterman

- Annual non-financial disclosures:
  - Insurance - Policies are available for viewing by scheduling with the Secretary:
    - Property loss (mailboxes and log entrance) – Policy is in effect until 8/26/2016.
    - Directors/Officers liability – Policy is in effect until 4/02/2016.
  - Governing documents – Latest adopted Articles, Covenants, By-laws, and Policies are available for viewing/downloading from the CMRHOA.ORG website.
  - Meeting Minutes covering fiscal year 2015 are available for viewing/downloading from the CMRHOA.ORG website. The posting for September's Annual Meeting is not currently showing but the Webmaster has been contacted to research and correct. Note: the posting has been corrected and is available as of this writing.
- The Secretary was to have presented versions of New Owner Welcome and New Owner Information form letters. Bob reported that he forgot to bring to the meeting, but would email to the Board members upon returning home.

**Treasurers Report:** Diane Cherbak

- Annual financial disclosures - 2015 fiscal year (same as calendar year)
  - HOA dues were \$550 per lot/tract
  - Income: \$74,231.41
  - Expense: \$85,359.20
  - Deficit: \$11,127.79, incurred in order of budget overage from legal expenses, road maintenance, web page, office supplies, and signage.

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- Year-to-date finances
  - Income: approximately \$52,000 (dues payments)
  - Expense: \$4488.05 (plowing, web site, legal, office supplies, bank fees)
- HOA Dues – approximately \$52,000 has been received against \$76,000 owed with 14 lot owners yet to submit any payment
- Motion to revise the 2016 budget – Amounts have been adjusted to cover recurring bank fees (\$40), additional signage (\$150), and over-budgeted snow plowing (-\$5190). The \$5000 net difference is to be reallocated to the reserve fund to rebuild it from last year. The motion carried.
- 2015 taxes filed – no tax liability.

## **Webmaster's report:** Chelsea Jones

- Omission of September 2015 Annual Meeting Minutes from the web site has been resolved.
- Webmaster demonstrated current website capabilities and encouraged audience to take advantage of posting to the HOA bulletin board (only posting to date has been by Webmaster for fresh eggs). She also is available to help with any questions or problems creating an account - me@chelseajonesdesigns.com or call/text: 303.808.1934.
- Financials and other non-public postings are available only if you create a login account on the website.

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

- The new owner of Lot 2, Dan Stough, gave a presentation on the lot layout, tree coverage, and gradient considerations behind his request for a variance for his structure setback from J.7 from 120' to 100'. The variance supposedly would preserve the most number of trees while eliminating the need for additional fill on steeper ground if adhering to setback requirements. Foliage screening of the structure from J.7 would remain unaffected. There was concern from a J.7 resident about the placement of his driveway exit which he addressed to the apparent satisfaction of the resident but was not a matter up for consideration by the Board. A Board member expressed skepticism about granting variances on the basis of esthetics rather than geology and also that variance approval remain a case-by-case basis and not be seen as setting a precedent. A motion to approve this particular variance request carried.
- The owner of Tract K, Janice Christiansen, requested a determination on the long-standing issue of culvert damage at the end of her driveway believed to have been sustained at some point after the winter of 2014. She asserted that the cause is unknown but felt that snow blading could have been the cause. Previous inspection by the Road Committee members found low probability of blading damage due to the position and

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nature of damage to the culvert, and the road contractor, known to voluntarily undertake repairs for any known damage caused, disclaimed any knowledge of an incident. A committee member with road experience noted that the culvert provided no exit for flood waters and could have been damaged by hydraulic pressure. An estimate by the contractor for culvert replacement was for \$600. Being unable to determine the true cause of the damage, it was moved that the HOA authorize replacement of the culvert farther from the road, with costs divided equally between the owner, contractor, and HOA, but with the caveat that it not be considered a precedent. The motion carried.

- The Day's are the new owners of Lot 23.
- The long-standing covenant violation of a parked, disabled RV on J.7 was discussed with counsel and the recommendation of filing a Form 258 claim against the owner will be undertaken.
- An inquiry was received regarding construction of a yurt as a primary residence on a lot. Since much depends on the actual construction details, the prospective buyer will be advised that structures cannot be of temporary character, they must be constructed on site, must have in-ground plumbing, electricity, and an engineered septic system, and that building materials must be fire-resistant, including the roof.
- An inquiry was received regarding placing of 2 Tiny Homes – one for the inquirer's family and one for his aging in-laws - plus a horse barn on a lot. The prospective buyer will be advised of the same requirements listed for the yurt, plus that the structure cannot be one that can be drawn over a public highway, and that there may be only one single family unit on a property and that any guest house be restricted to short-term guests and not used as a rental or long-term residence.

## **Fire/Weed report:** Diane Cherbak

- Diane will coordinate with Paul Ruatti to plan this spring's weed spraying.
- The chipper rebate program is again offered covering half the cost of chipper fire remediation up to a maximum of \$500.
- Bruce Short has recommended use of the 35.4 cul-de-sac as an appropriate site for air-curtain burner use, if one is rented.
- A refresher course is needed for fire committee members.
- The Navajo Nation has offered to cut and remove firewood from lots, but the offer does not include slash removal.
- Greg Kemp reports that the county plans to be more aggressive with property owners in regards to noxious weed control.
- He also reports that the county will be changing the subdivision reimbursement formula for weed control but that the changes were unspecified.

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## **Road report:** Diane Cherbak

- Snow blading this season has been ordered with the aim of keeping all of Road 35 and all of K.3 cleared.
- It has been noted that some road base has been bladed up on 35 beyond K.3. This is difficult to control when the packed snow base softens and finally is bladed free from the road base.
- Gravel needs to be added around the mailboxes and over the north end of the mailbox area culvert.
- Excessive speeds are being noted (Road 35) and residents are reminded that this single factor accounts for most of the road damage and wash boarding we encounter on 35.
- An alternative to mag chloride is being considered. Terry Wheeler reports that this product is less susceptible to moisture conditions, but requires installation over 4” of new road base, making it considerably more expensive. An A.C. Dirtworks (Durango) sample has been examined and if as durable as claimed, may be more economical over the long term. A test application will be considered for the Road 35 hill.

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

- No report.

## **Oil & Gas report:**

- No report.

## **Old Business:**

- Lot 99 legal action for nonpayment of dues is in process.

## **New Business:**

- The HOA was notified that the Director/Officer liability insurance policy would not be renewed. As it expires April 2, a search for new coverage was undertaken immediately. Mike Handron was able to obtain a new policy through a Durango agency for \$1805 (increase of \$134).
- The number of vehicles in sight from the road in front of Lot 56 had been noted and questioned. As all appear to be properly registered and no covenant exists addressing the number of vehicles allowed, no action is necessary.
- Don Murrell presented a formal motion requesting the resignation of Greg Kemp from the Board. The motion was read to the audience and Don requested that it be included in the meeting Minutes. To wit:

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16 March 2016  
CMRHOA Board of Directors meeting

## A MOTION

It is moved that Mr. Greg Kemp be requested to resign his position on the Board of Directors of the CMRHOA and from the Building Advisory Committee, effective immediately.

This request is not made lightly, considering Mr. Kemp's long service and commitment as an HOA Director and as its president, or without a great deal of reflection and deliberation on the part of the other Directors. It is prompted by a history of unilateral actions by Mr. Kemp without the consent of, or consultation with, the Board. Mr. Kemp's unwillingness or inability to communicate with his fellow Board members has resulted in a lack of involvement by the Directors in moderating or providing deliberation for any actions taken by him on the Board's behalf. This situation has cost the HOA money in legal action; it has resulted in embarrassing situations with our insurance and legal counsel; it has recently produced confusion in a member's request for a construction variance; and it has, on many other occasions, demonstrated a disregard for the Board as an elected body. Despite confronting Mr. Kemp with the Board's concerns in these regards prior to the 2015 annual meeting, there continues to be a near total lack of cooperation between Mr. Kemp, as Board president, and the remaining Board members. Most emails and phone messages directed to Mr. Kemp are disregarded and result in no response whatsoever, leading to more confusion in dealing with HOA matters. This stance prevents the other Directors from understanding how the Board is being represented and how to most effectively discharge our responsibilities to the membership.

Therefore, based on the above cited reasons, we consider the request for Mr. Kemp to resign as a Director and committee member to be warranted. We believe that his resignation will allow the Board to operate more smoothly and, importantly, to help restore confidence in the Board by the membership.

- (cont.) The motion was seconded. The audience asked if all the Board members were in agreement with the motion against Mr. Kemp. The Directors answered "yes", with Diane answering for Paul as proxy in his absence. Mr. Kemp denied the allegations and protested that he had no advance warning of this action and therefore had no opportunity to prepare an adequate response. He refused to resign his position on the Board. Bob Fetterman, in noting from the By-Laws that the President serves at the pleasure of the Board and can be removed with or without cause, moved to remove Mr. Kemp as president and elect Diane Cherbak and Paul Ruatti as Co-Presidents. The motion carried. In the absence of Paul Ruatti, Diane Cherbak assumed the meeting chair.
- Diane appointed Terry Wheeler to chair the Building Advisory Committee, effective immediately.

## **Open Discussion:**

- Audience participation and comments focused on the above New Business issue concerning the presidency and appeared to be in concurrence with the Board's actions.



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- Due to the lateness of the hour no further open discussion on other topics was undertaken.
- The next BOD meeting is scheduled for May 18, 2016 @ 7 p.m. at the Mancos Public Library.

**Adjournment:** The meeting was adjourned at 9:50 pm.

Respectfully submitted,

Bob Fetterman, Secretary  
April 13, 2016

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## **BOD Meeting Minutes May 18, 2016 Mancos Public Library**

**Present:** BOD – Diane Cherbak, Paul Ruatti, Bob Fetterman, Don Murrell, Greg Kemp.  
Audience – Duncan Rose, Chelsea Jones, Frank Dorka, Mo Dorka, Bruce Short,  
Gary Brodhagen, Cheryl Brodhagen, Stan Mattingly, Bill Holbrook, Gail Mingesz,  
Bob Sanders, Janine Denney, Gene Denney.

**Call to Order:** The meeting was called to order at 7:10 pm.

**March 2016 BOD Minutes:** Diane corrected the Secretary's reporting of a motion to revise the 2016 budget as a reduction to the road budget with reallocation of the amount to the Reserve Fund. The minutes were approved as corrected.

**Secretary's Report:** Bob Fetterman

- March BOD minutes were emailed to the membership April 17.
- The May BOD agenda was belatedly emailed to the membership May 11.
- Greg inquired about updates to the initial drafts of New Owner Welcome and New Owner Information form letters sent to the Board for review. The Secretary had incorporated suggestions received but had not sent out for final review. Bob will do so. The Webmaster will post on our website, but the Secretary is to mail to new owners.

**Treasurer's Report:** Diane Cherbak

- Most annual HOA dues have been paid except for those known to be habitually late, some second-half payments, and one Verdi Vu property owner.
- Gary Brodhagen offered that by not continuing to use liens against nonpayment, the HOA is not protected against loss of revenue should a delinquent member sell their property. Diane noted that liens are no longer an option, and title companies inquire about property account status.
- There have been several road repairs to date and an estimate for replacement of the culvert by the mailboxes is expected shortly.
- Any road issues are to be reported to Diane. Cheryl Brodhagen asked why blading of K.3 could not be extended beyond its juncture with J.9 to her driveway entrance. Depending on the scope of the work, it may or may not be included.
- Terry Wheeler and Bruce Short have erected a new fire danger sign close to the entrance. The cost will be reimbursed by Firewise. A danger flag bracket is to be attached. Greg has the red danger flag.

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

- Bruce Short worked with Firewise to obtain a curtain burner for use in incinerating slash to be collected during a community-wide fire remediation project scheduled for the weekends of May 27-30, June 3-5, and June 10-12. An area adjacent to the 35.4 road circle will be flagged for drop off by interested members at a nominal fee of \$2 per load. Volunteers are needed to staff the drop off area. Hours spent and fees will be matched.
- Paul reports that 6 gallons of 4D Amine remain, but needs surfactant. A trial amount of Milestone will be applied as well to test its efficacy.
- Thistle, tumbleweed, knapweed, and mullein are to be targeted. Up to 3 applications may be required.
- Homeowners wishing no spray in areas must post a sign or call Paul, but weed control must still be performed or else those areas will be sprayed during the second round.
- Greg reports that the county will be more actively targeting individual property owners who are not controlling noxious weeds (e.g., knapweed, thistle).

## **Road Report:** Diane Cherbak

- J.8 and J.9 are to receive attention this season.
- Diane and Terry Wheeler have inspected the use of a new road hardener by the Forest Lakes subdivision in Bayfield. Longevity vs. increased cost is at issue and may not be as effective as advertised. A small test section application on Road 35 will be tried.
- Speeding anecdotes were shared and speeding was noted yet again as the #1 cause of surface damage and shortened surface life of our roads.
- Gary Brodhagen recommended skipping mag chloride application for a year and spending that money on ¾" stone gravel application where needed instead.

## **Activities/Grounds report:** Terry Wheeler (absent)

- The yellow 25 mph speed sign on K.3 by Gary Linscott will be replaced by a regulation speed posting sign.
- Paul reported vandalizing of the new 4WD sign by the entrance. The individual involved (along with any itinerant road spray-painter) is encouraged to join the Road Committee and espouse and champion an actual position/philosophy that improves our roads without increasing costs.

## **Website Report:** Chelsea Jones

- Chelsea made a presentation on the county-wide broadband initiative that could provide competitive high-speed internet access via wireless nodes added above ground to the

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currently installed fiber optic network supplying the county. The capital cost is to be covered by a 1% sales tax to be added to the November county referendum.

- Duncan Rose noted that DSL internet service provider Brainstorm has added a microwave transponder to Menefee mountain and is offering less expensive service than VelocityNet, but has more severe line-of-sight restrictions.

## **Building Advisory Committee Report:** Terry Wheeler (absent)

- No report

## **Oil & Gas Committee Report:** Stan Mattingly

- Stan gave a presentation on committee actions and findings to-date along with the area maps he's developed using federal mineral resource overlays. He also has studied the original plat and has discussed its provisions with the county planner and legal counsel.
- Of major concern is the status of our roads with regards to HOA vs. county oversight and control. Specifically, who has authority to regulate O&G traffic? BLM controls are already in place to regulate traffic to BLM leases, but regulation of traffic to private leases might require the HOA to apply for our own control district.
- We have been given 15 minutes to discuss our concerns at the June 13 County Commissioners' meeting.

## **Old Business:**

- Lot 99 small claims action for nonpayment of dues was granted a continuance.

## **New Business:**

- The subject of covenant revisions was opened to the membership for discussion in regards to camping and short-term rentals. The membership was in support of restricting camping as follows:
  - Owner present on premises
  - No fees permitted for camping
  - 10 days maximum without BOD permission
- Members were both for and against restrictions on rentals. What constitutes a "short-term" rental? A case was made for the use of short-term rentals to bridge times of financial difficulties. Control of renters and their appreciation for our fire hazard sensitivities and road hazard issues are areas of concern.
- Rentals will remain under consideration and study.

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## **Open Discussion:**

- Gary Brodhagen raised the issue of the protocol surrounding the 2013 ratification of the annual budget increase raising dues from \$450 to \$550. He took issue with the lack of a ballot allowing the membership to vote on the increase.
- Bob Fetterman moved to have an ad hoc committee investigate and report on the issue. The motion was seconded and carried.
- Gary additionally raised the issue of the protocol surrounding voting on the November 13, 2010 Special Meeting ballot items regarding certain changes to the bylaws in place since 2005. This will also be investigated and reported on by the ad hoc committee.
- Greg Kemp reported that Slavens True Value is again offering discounted chimney cleaning to the HOA.
- The Annual Members meeting is scheduled for the second Saturday in September at the Mancos Public Library.
- The next BOD meeting is scheduled for July 20, 2016 @ 7 p.m. at the Mancos Public Library.

**Adjournment:** The meeting was adjourned at 9:10 pm.

Respectfully submitted,

Bob Fetterman, Secretary  
July 12, 2016

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## **BOD Meeting Minutes July 20, 2016 Mancos Public Library**

**Present:** BOD – Diane Cherbak, Paul Ruatti, Bob Fetterman, Don Murrell, Greg Kemp.  
Audience (7) – Ron Morgan, Terry Wheeler, Pam Hart, Bill Hart, Cathy Wyant, Elder Witt, Stan Wellborn.  
Guest – Bonnie Loving.

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

**May 2016 BOD Minutes:** The minutes were approved as submitted.

**Special Guest:** Bonnie Loving, Montezuma County Weed Department Manager

Bonnie provided samples of noxious/problem weeds she had collected from CMR roads and properties for positive identification by those assembled:

- Common mullein (List C): seed may remain viable >80 years.
- 3 Knapweeds (List B): Russian - toxic to horses, very aggressive; Diffuse - tumbleweed; and Spotted – aggressive taproot.
- Dalmatian toadflax (List B): “Hounds tongue” - sticky seeds easily spread by pets.
- 2 Thistles (List B): Musk – “Western milkweed”, harmful to goats, highly competitive; Canada – highly aggressive, encouraged by shallow tilling/disturbance.

A weed identification app for smart phones can be downloaded by searching for “Colorado Noxious Weeds” in your phone’s app store (free), or by free download at:

<https://www.colorado.gov/pacific/agconservation/noxiousweeds>.

“Roundup” must be used for foxtail control.

County programs:

- Reimbursement up to \$250 per homeowner for chemicals, biological control, and/or commercial services; up to \$50 for equipment.
- Cost sharing for seed used for competitive control of weeds. Advice and seed is available at Southwest Seed, 13514 C.R. 29, Cortez/Dolores. An at-cost, towable, no-till seed drill is available through the Dolores Conservation District, 970-565-9045, ext. 118.

The Wellborns reported an infestation of tent caterpillars in cottonwood trees along Road 35. Bonnie acknowledged this as a real threat, but as this is a “bug” problem rather than a weed problem, she recommended contacting Tom Putin, Montezuma County Extension Office for further information/advice.

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## **Secretary's Report:** Bob Fetterman

- The July BOD agenda was belatedly emailed to the membership July 14. The Secretary and President will be more diligent in providing the agenda in a timely manner.
- The May minutes were also provided late to the membership and the Secretary will attempt to provide them in a more timely manner.
- Formal delinquent dues notices (in addition to the standard emails) have been mailed to 9 lot/tract owners.
- Minutes archive status – the Secretary reported no activity this reporting period.

## **Treasurer's Report:** Diane Cherbak

- The Treasurer reported approximately \$85k in the general account. She has requested that a separate Money Market account be opened for the Reserve funds of \$30k.
- The Reserve fund had been running approximately \$40k over the last 4-5 years but was reduced by legal expenses last year. Budgeting will attempt to rebuild this fund again to a target of \$40k over the next 2-3 years.
- There are on-going minor legal, road signage, and weed control expenses.
- Ron Morgan questioned the state of delinquent dues collection. He was informed of the delay in current proceedings to establish our standing in this regard, and suggested that the membership be informed once policies can be reestablished.

## **Committee Reports**

### **Webmaster:** Chelsea Jones (absent)

- No report
- It was suggested to add a membership roster to the website (public vs. member layer?).
- It was recommended that BOD meeting minutes be restricted to the login (member) layer.

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

- Paul reported that 2-4-D amine is primarily being used for noxious weed control with Milestone being tested in certain areas.
- Three weeks ago we experienced 5 lightning strikes in our immediate vicinity, with 3 on the ridge bordering J.6. Resulting fires were contained with the assistance of water bag dumps delivered by helicopter.
- Lightning was spotted last night to our east and north. Paul reminded us that proper locating and monitoring of strikes at dusk/night relies on low ambient light levels and that some exterior lights interfere with this assessment. He reports high levels of light

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pollution from property/properties to his east. He also reminded us that exterior overhead and lighting deemed a nuisance to adjoining landowners are prohibited by Covenant 14.

- A fire northeast of CMR was fought this morning.
- Weatherbug.com is a website that provides a real-time display of lightning strikes detected by satellite overlain on an area map.
- The May/June weekend slash collection project and 2-day curtain air burning was well received and a success:
  - 54 loads (plus 20 by skid steer)
  - 14 participating landowners
  - 162 estimated landowner man-hours
  - 57 fire ambassador man-hours
  - 194 neighborhood man-hours

Our thanks for a job well done to:

- Bruce Short
- Paul Ruatti
- Stan Mattingly
- Brian Bartlett
- CMR requests that owners with driveway access restricted by combination lock provide the combination to CMR or to Paul. In the case of fire, access restricted by padlock will necessitate cutting of the chain or padlock – cost of replacement to be reimbursed by the HOA.
- The new fire danger advisory sign was installed by Bruce Short and paid for by Firewise. It was noted that the fire danger sign on the end of our firehouse is the property of the Mancos F.D. and may not be updated as frequently as our roadside sign.

## **Road Report:** Diane Cherbak

- Diane reports that road treatment had been scheduled, postponed, and cancelled this spring due to circumstances beyond our control. There has been no appreciable rainfall since February.
- The last 2 years has seen the road treatment (mag chloride) washed off the roads by rain.
- We are planning a 500' section test of a new road hardening agent.
- The county road superintendant was asked to inspect Road 35. He estimated that a rebuild of the chip seal segment by the entrance would cost ~\$150k and to properly resurface Road 35 with gravel would cost ~\$350k.
- We will request quotes for chip sealing from the entrance to the mailboxes and possibly proceed as we can afford.



# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

President: Diane Cherbak  
Phone: (970) 739-1704

- Terry Wheeler reports that the convex mirror purchased to provide uphill traffic a view of the corner at the top of J.7 was too flimsy to withstand the wind expected in that location. He recommended it be returned and that warning chevrons be ordered instead for both uphill and downhill traffic. The Board concurred.

## **Activities/Grounds/BAC Report: Terry Wheeler**

- Terry replaced the speed limit signs on K.3 and J.9.
- Terry is to provide the annual BAC property inspection report to the Board two weeks prior to the Annual Meeting in September.
- An infraction has been noted regarding lack of siding for a newly constructed residence in the time allowed. A letter will be written to the homeowners.
- Terry conveyed to the Board his concern regarding what constitutes “unobtrusive” and “inconspicuous” in the wording of Covenant 10 regarding RV storage. He requests clarification/guidance.
- Five properties have changed hands this last reporting period.

## **Oil & Gas Committee Report: Stan Mattingly (absent)**

- No report
- Bob Fetterman noted that the committee comprises members eminently more qualified and experienced in matters of geo-mineral concern (himself excluded) than can be expected of members of the Board. Therefore, he feels the Committee should be given the same authority as an Advisory committee and be allowed to act on behalf of the HOA provided that the Board is advised of the committee’s findings and recommendations and is in agreement with the committee’s course of action.
- Bob so moved to change the committee’s title to Oil & Gas Advisory Committee. The motion was seconded and carried.

## **Old Business:**

- Our attorney representing us in a Small Claims case against a member for non-payment of dues has recommended that we file for a transfer of our case from Small Claims to District Court. Rather than having to inspect and rule on documents presented during the hour allotted for Small Claims, a District Court judge is presented documents beforehand and can give attention to them and any pertinent case law. He/she can then enter a declaratory judgment which provides standing (precedent) going forward. This essentially determines if we are an HOA and can self-govern or not. Diane has agreed to this but we do not yet have a new court date at this time.

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## **New Business:**

- The Annual Members Meeting is scheduled for 3 pm Saturday, September 10 at the Mancos Public Library. Members' will be receiving voting packets concerning:
  - Two open Directors' positions – Diane Cherbak's and Don Murrell's.
  - Three ballot initiatives:
    - Amendment of Covenant 10 concerning camping.
    - Addition of new covenant concerning short term/ vacation rentals.
    - Resolution to remove Gregory Kemp as a Director.
- Don Murrell volunteered for the Election Committee to help the Secretary with mailings.
- A picnic in Boyle Park will follow the Members' Meeting:
  - Need park permit.
  - Picnic material leftovers are with Bob and Diane.
  - **Need picnic volunteers !!** Please contact Diane.

## **Open Discussion:**

- None

**Adjournment:** The meeting was adjourned at 9:17 pm.

Respectfully submitted,

Bob Fetterman, Secretary  
July 31, 2016

# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

President: Diane Cherbak  
Phone: (970) 739-1704

## Annual Members Meeting Minutes September 10, 2016 Mancos Public Library

**Present:** BOD – Diane Cherbak, Paul Ruatti, Don Murrell, Greg Kemp.  
Audience (32) – Terry Wheeler, Janet Huffman, Phil Robinson, Ann Robinson, Pete Hebbard, Bryan Eytcheson, Pam Hart, Bill Hart, Susan Pueschel, Richard Forster, Alan Whalon, Barry Gallagher, Ron Morgan, Gary Brodhagen, Cheryl Brodhagen, David Davis, Tina Davis, Herb Didier, Bernie Didier, Dave Sornborger, Lisa Sornborger, Cathy Wyant, Don Macklin, Tim Bolyard, Donna Bolyard, Greg Kaylor, Mary Kaylor. Four additional members were present but did not sign in. One visitor did not sign in. Listening via conference call: [\(202\) 617-9387](tel:2026179387), [\(218\) 849-3901](tel:2188493901).

**Call to Order:** The meeting was called to order at 3:15 pm.

**Opening Remarks:** President Diane Cherbak

- Self-introduction by attendees.
- Conference call service is being provided for those unable to attend.
- New faces noted (6 lots have changed ownership).

**July 2016 BOD Minutes:**

- Correction of adding Tom Hooten, CSU County Agricultural Extension Agent, as the contact for any additional information regarding weed control.
- The minutes were approved as corrected.

**Guest Speaker:** Greg Kemp – County Broadband Initiative (speaking for Chelsea Jones)

- In order to repurpose the existing fiber optic infrastructure commercially for high-speed internet, county towns must opt out of the existing usage plan. Cortez has opted out. Dolores will vote on opt-out on the November ballot.
- Montezuma County (us) will have the opportunity to opt out of State Bill 152 this November.
- \$25-40M estimated to build using existing fiber optic and wireless routers for pole-to-home connectivity. Funded by 1% county sales tax until cost has been recovered. Local ISP(s) are to pay to access CO-provided internet on existing fiber optic.
- The vote for funding is being deferred until November of 2017.

# Cedar Mesa Ranches Homeowners Association, Inc.

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President: Diane Cherbak  
Phone: (970) 739-1704

## **Secretary's Report:** Bob Fetterman

- No report – the Secretary was absent due to a family emergency this day.

## **Treasurer's Report:** Diane Cherbak

- The general account contains \$74k of which \$30k is in the Reserve Fund.
- Expenses for July and August included cost of new signs, \$800 for election packet printing/mailing, \$1600 for insurance, \$8000 for roads in July, another \$8000 for storm-damaged roads/ditches in August, and weed-control chemicals.
- The 2017 budget was ratified (no dues change).
- To clarify a question on road maintenance, we have no contract with Dale Murphy but use him only as needed.

## **Committee Reports**

**Webmaster:** Chelsea Jones - No report (absent).

## **Activities/Grounds/BAC Report:** Terry Wheeler

- Terry carried out the annual HOA properties inspection:
  - 85 lots are improved with homes;
  - 75 of the 85 property owners are in residence;
  - 5 homes are under construction;
  - 18 properties are for sale (10 unimproved, 8 with homes).
- Covenant violations:
  - One set-back violation;
  - Several missing reflective lot or house numbers (if shed, but no house, should be on shed);
  - One trailer violation. Owner to be contacted (again) in regards to getting it moved.
  - Stop sign needs to be replaced on 35.4.

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

- Paul and Diane carried out an inspection tour with the county Weed Manager, Bonnie Loving, in July. The HOA is responsible for weed control in the road right-of-ways.
- Changed chemical agent from 2-4-D to Milestone for broad leaf and some other weeds. County reimburses 50% for cost of chemicals.

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- Contact Paul for pamphlets on weed identification and control.
- Tamarisk cutting has started in the arroyos. Stump killer (Garlon-4) will be applied. Will most likely burn slash in place to prevent seed spread.
- The HOA hosted a collection/air curtain burn of wood slash to aid in fire remediation around our homes. 55 loads plus on-site slash were collected during three May/June weekends and burned adjacent to the 35.4 circle. A total of nearly 200 neighborhood hours were donated as well as almost 60 ambassador hours. Some slash still remains in the Road 35.4 circle because the burning had to be terminated early due to issuance of a Red Flag Warning. It was unclear when this project will be completed.
- Among other requirements, Covenant 6 specifies that within 100-ft of a home dead wood is to be removed from the ground and that trees are to be thinned to provide 12-ft of space between crowns. (See Covenant 6 on the CMRHOA.ORG website for exact wording).

## **Road Report:** Diane Cherbak

- Road signs, posts, and reflectors were discussed.
- Roads need to be accessible for all owners.
- The need for more gravel on several roads was discussed.
- Following recent ditch cleaning, many driveway culverts are partially or completely blocked. Property owners are reminded that they are responsible for keeping their driveway culverts cleared of debris and functioning as intended.
- It was determined that no further signage is required at the top of the hill on J.7.

## **President's Report:** Diane Cherbak

- We all moved here to enjoy our homes and surroundings. Our property values are affected by our HOA's reputation and ability to govern effectively.
- Discussed the current Bylaws and ability/rights of the HOA to govern based on historical weaknesses in our original documents.
- Much of the HOA's future planning will be determined by the ruling by Montezuma District Court on September 23 in a dues collection case originally brought by the HOA against a member in Small Claims.

## **Election Results:** Susan Pueschel, Janet Huffman, Cheryl Brodhagen (Election Committee)

- Board of Directors (2 seats):
  - Diane Cherbak – 63 votes (reelected)
  - Don Murrell – 36 votes (reelected)
  - Terry Wheeler – 33 votes
  - Billy Hart – 24 votes
  - Allen Giannakopoulos – 16 votes

# Cedar Mesa Ranches Homeowners Association, Inc.

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- Ballot Initiatives:
  - Initiative I (Camping policy addition to Covenant 10)
    - Yes – 37 (failed – 93 needed to pass)
    - No – 48
    - Abstain – 3
  - Initiative II (New Covenant 34 policy for rentals)
    - Yes – 47 (failed – 93 needed to pass)
    - No – 35
    - Abstain - 6
  - Initiative III (Greg Kemp removal from Board)
    - Yes – 71 (failed – 93 needed to pass)
    - No – 10
    - Abstain - 6
  - Chip Seal Inquiry
    - Yes – 19
    - No – 65

## Discussion:

- Don Murrell challenged the decision to deny the pending owner of Lot 4 a request to use a storage container as permanent housing. He wanted to know why it wasn't brought before the entire Board or why a special meeting had not been called. Diane explained that she had polled the BOD via email before asking the Building Advisory Committee for their decision. A ten day notification to members is required in the event of a special meeting being called. We knew the property to be in escrow and wanted to expedite the decision in case it would affect the purchasing process. A letter denying the request was sent to the pending owner on August 11th. A copy should have been sent to all Board members as well. The property sale proceeded on schedule.
- Should a Special Meeting become necessary in the future, Don Murrell volunteered to make that notice.
- No election of Officers as required by the By-Laws will follow the Annual Meeting due to the absence of the Board Secretary.
- A membership picnic at Boyle Park will follow adjournment, as usual.
- The next BOD meeting will be held Nov. 16, 2016 at 7pm at the Mancos Public Library.

**Adjournment:** The meeting was adjourned at 5:10 pm.

Respectfully submitted,

Bob Fetterman, Secretary  
September 30, 2016

# Cedar Mesa Ranches Homeowners Association, Inc.

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PO Box 62, Mancos, CO 81328  
cmrhoa.org

President: Diane Cherbak  
Phone: (970) 739-1704

## **BOD Meeting Minutes November 16, 2016 Mancos Public Library**

**Present:** BOD – Diane Cherbak, Paul Ruatti, Bob Fetterman, Don Murrell, Greg Kemp.  
Audience (8) – Bob Sanders, Tim & Donna Bolyard, Cathy Wyant, Gregg Kaylor,  
Terry Wheeler, Bryan Eytcheson, Ron Morgan.

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

**Minutes (September 2016):** The minutes were approved as amended per suggestions following mailing of preliminary minutes to the membership in September.

**Secretary's Report:** Bob Fetterman

- Note of thanks to Diane, Bill Hart, and Greg Kemp for help with the Annual Meeting minutes taken in my absence.
- Two new owner welcome and information packets were mailed.
- One reference request was received from a BOD member for a historical search of the minutes circa 2008. A preliminary search was unsuccessful but will be readdressed.

**Treasurer's Report:** Diane Cherbak

- Itemized expenses and current balances were reported. For details of same please see attached Finance Report.
- The Finance Report was approved.

### **Committee Reports**

**Fire/Weed Report:** Paul Ruatti/Diane Cherbak

- Paul will submit a county reimbursement report for payment toward our weed remediation expenses.
- Diane reported on the tamarisk remediation project:
  - Spanned Sept. 9 to Nov. 11.
  - Involved 30 properties.
  - 115. hours of paid labor (Cory Manning) at \$3100.
  - 140 hours of volunteer labor (Cherbak, Hart, Short, Fetterman, Eytcheson).
  - Garlon stump treatment at \$300.

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- Thanks were extended to Diane for championing the project and investing over 93 hours of her time in the physically demanding effort.
  - The Tamarisk Report (with photos) is attached.
- Greg Kemp questioned the status of the slash at the end of 35.4 left over from the spring collection/burning project. Diane explained that time had expired on the free air curtain burner used for that project and that we will use the next available burner loan offer to complete the burn. In the meantime there may be interest by one of our members in reducing the pile for use as firewood.

## **Road Report:** Diane Cherbak

- Speeding on Road 35 was discussed. The use of radar for ticketing is not an option on private (red-signed) roads. Radar units can be borrowed from the sheriff for monitoring.
- Diane provided some thoughts on the state and usage of CMR's roads:
  - Members have unrealistic expectations regarding the conditions of our roads based on the amount of money collected through dues.
  - We cannot control the weather. Without water, the roads cannot be bladed.
  - Speeding is our roads' number one enemy.
  - Driving at 30mph instead of 25mph is 20% over the speed limit. This is the equivalent of going 84mph in a 70mph zone.
  - Driving at 40mph is 60% over the speed limit. This is the equivalent of going 112mph in a 70mph zone.
  - Driving 3 miles at 40mph takes 4.5 minutes.
  - Driving 3 miles at 25mph takes 7 minutes.
  - We'd welcome more members to the road committee.
- Terry Wheeler reported on DMZ 730 - a sugar-based paper mill byproduct used as a road hardener. It's about 60% more expensive than mag chloride and must be installed over a crushed rock base. It is estimated that the ¼ mile of entrance road to end of mailboxes would cost ~\$15k and the ¼ mile hill portion of 35 would cost ~ \$20k.
- Road 35 has previously been tested for chemical composition and contains several elements known to be carcinogens. Speeding on untreated roads raises dust in direct proportion to speed creating both a local hazard for homeowners and proximal hazard to occupants in following vehicles.
- Diane reminded us that snow removal by Dale is charged at an hourly rate for just hills and at a flat rate of \$900 for the entire subdivision which generally requires 4 man-hours. There is generally no equipment transportation charge since Dale parks usually-required equipment by the firehouse.



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## **Activities/Grounds/BAC Report:** Terry Wheeler

- No report.

## **Webmaster:** Chelsea Jones

- No report, but it was noted that the county's Broad Band Initiative referendum was approved by voters in November balloting. This allows the county to opt out of future state programs utilizing the county's existing fiber optic infrastructure and repurpose it for high speed wireless internet for county residents.

## **Oil & Gas Committee Report:** Stan Mattingly

- No report.

## **Old Business:**

- A District Court decision on CMRHOA's role in road maintenance and right to assess fees to cover it is expected by December 1. Documents have been submitted by the HOA's lawyer and by the lawyer representing one of our members in a current Small Claims case for dues non-payment.

## **New Business:**

- The next BOD meeting is scheduled for 7pm, January 18, at the Mancos Public Library.

## **Open Discussion:**

- None

**Adjournment:** The meeting was adjourned at 8:14 pm.

Respectfully submitted,

Bob Fetterman, Secretary  
January 7, 2017