

Cedar Mesa Ranches Homeowners Association, Inc.

P.O. Box 62
Mancos, Colorado 81328
www.cmrhoa.org

President: Diane Cherbak
Phone: (970) 739.1704

BOD Meeting Minutes September 19, 2020, 3:00 p.m. Mancos FD (Cedar Mesa Ranches) Fire Barn

Board of Directors Present (4): Diane Cherbak, Paul Ruatti, Roy Wilkinson, Steve Beh. Absent: Terry Wheeler

HOA members in attendance (41): Phil Bock, Mary Bock, Bill Hart, Keith Reschke, Bob Fetterman, Cheryl Broadhagen, Gary Broadhagen, Bob Sanders, Jose Armijo, Doug Freddes, Chris Freddes, Carol Stout, Pat Stout, Cathy Wyant, Susan Whitfield, Tim Pargee, David Nighteagle, Adam Barnhurst, Robby Moy, Jennifer Moy, Mo Dorka, Frank Dorka, Mike Power, Marty Power, Chad Johnston, Heather Johnston, Adam Redder, Shelly Redder, Steve Campbell, Chris Hinds, Stephanie Hinds, Duff Simbeck, Bill Holbrook, Sheryl Holbrook, Barry Gallagher, Ruth Finley, Phil Mayor, Judi Wilkinson, Dan Gagliano, Cory Manning & Jen Manning.

Call to Order: The meeting was called to order at 3:15 p.m.

Introduction of Board of Directors and membership

President's Remarks: Diane Cherbak

- Lost two of our members recently, Mike Handron & Greg Kemp.
- After meeting festivities will include a pizza party and movie ("*Fire in Paradise*", about the 2018 Camp Fire in California).

Outside Speaker: Alex Graf (Wildfire Adapted Partnership (WAP), formally known as FireWise)

- Available programs (contact Alex A.S.A.P. since programs may not be funded in the future).
 - "Defensible Space Cost Share Program"
 - Way to offset mitigation costs, 45% reimbursement of contractor mitigation costs.
 - Need site visit to devise a plan.
 - "Chipper Rental Rebate"
 - Reimburse chipper cost of approximately \$250/individual & \$750/multi-property project.
 - Alex can be reached at (845) 750-2914 for more information or to set up a site visit.

Minutes (Board of Directors Meeting held on July 15, 2020): The minutes were approved.

Secretary's Report: Roy Wilkinson

- Minutes are being recorded.
- Website:
 - Stan Mattingly geo-registered plat maps of Cedar Mesa Ranches and they are available by e-mailing the Secretary (files too large to upload to the website). Can be used, via the App Avenza, to view the GPS coordinates in Cedar Mesa Ranches.
- New member packets have been sent out:
 - Lot #4: Stephanie Morton & Dan Gagliano

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- Lot #14: Jaye & Steve Baldwin
- Lot #30: Jeffrey Coxwell
- Lot #113: Kevin Daniels
- Lot #114: Christine & Daniel Honig
- Lot #117: Kathleen & Richard Clarbourn
- Lot #94: Jennifer & Robby Moy (will send out packet after meeting)
- Annual Meeting Announcements and Ballots were sent out on August 20, 2020 from the downtown Durango post office.
- Logo design contest update:
 - Delayed until winter, 2021.

Treasurer's Report: Diane Cherbak

- Covered financial periods (July & August, 2020).
 - "Expenses" Report:
 - Went towards roads (water, grading, treatments), Wildfire Adaptive Partnership donation, commercial insurance package, office supplies, herbicide, etc. (see attached reports)
 - Question: What is our cost of water?
 - July's cost was \$130.
 - August and September's cost had not been received as of the date of the meeting.
 - Projecting over \$500 for the year.
 - Comment: the amount of dust has been greatly reduced due to the watering.
 - "Statement of Income" Report (year-to-date vs. budget):
 - Insurance line item is over due to insurance increase. The 2021 budget will be adjusted to meet this year's cost, but next year's insurance cost could be higher, so the 2022 budget will need to be adjusted to meet the increased insurance cost.
 - Legal fees just over \$500 this year.
 - As of the end of August, the roads costs were \$44,000, leaving \$17,000 in the budget.
 - Signage (line item) is over budget due to additional signage for the road humps and other needed signage.
 - Snow removal (January to March, 2020) \$1000.
 - Weed mitigation cost was \$700. We haven't received the rebate from the County yet to offset costs.
 - "Account Balances" Report:
 - Checking account has \$2700 in it.
 - Money market fund (reserve account): \$40,000
 - Total of \$71,000 (all three accounts combined).
 - Motion to accept financials. Approved.
 - Q: Who is our bank and do we get statements?
 - A: Delores State Bank and the statements are on-line.
 - Dues Report: All owners in the subdivision have paid their HOA fees in 2020.
- The 2021 Budget had been adopted by the current Board of Directors in July (see minutes).

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- Motion to ratify the 2021 Cedar Mesa Ranches HOA budget. Approved.

Fire / Weed Committee Report: Paul Ruatti

- Fire Report:
 - An attempt was made to have an evacuation drill. First meeting was in the spring at the Mancos FD. The next meeting was planned to be held at the Sheriff's Department, but COVID-19 stopped the progress.
 - First Responders met in the spring at the Cedar Mesa fire barn to discuss responding to a fire due to a lightning strike.
 - It is advised that new members call Alex Graf to set up an appointment to provide a mitigation assessment of your property. Go to their website (<https://www.wildfireadapted.org/>) or go to the link on the Cedar Mesa Ranches website (www.CMRHOA.org) to contact them for a site visit.
- Weed Report:
 - All areas have been sprayed. There is a tumble weed (Russian Thistle) issue on Road 35.
 - It has been found that 2,4-D Amine works until the tumble weed goes to seed, then Milestone is the herbicide to use.
 - Q: Is the air curtain burner we used in the past available?
 - A: (Diane Cherbak) The burner is no longer available.
 - Q: Is there something our community can do to remove the dead trees on non-mitigated properties?
 - A: We would need written permission to go onto someone else's property to mitigate. CMR can send out letters to members to mitigate their properties to diminish fire spread potential.
 - Rebate will be turned in for equipment repair and herbicide purchase.
 - Work day (tentatively February 2021) to burn tumble weed along roads after burn ban is lifted.
 - Evacuation drill tentatively scheduled for spring 2021.
 - We have a new Montezuma County Emergency Manager, Jim Spratlin who will assist with the drill.

Roads Committee Report: Chris Hinds

- Diane opened by notifying members that Chris documented 262 hours of labor were donated by the committee between the end of February and August. Based on hourly costs ranging from \$100-\$155 per hour charged by an outside contractor, the volunteers have saved the HOA between \$25,000- \$40,000.
- Roads Update (attached):
 - Thanks goes to the Roads Committee volunteers (Stan Mattingly, Phil Mayer, Steve Campbell and Terry Wheeler)
 - Water bill predicted to be close to \$1000 by end of 2020
 - Watering will continue until we get rain or snow
 - Stakeholders Meeting provided great input:
 - Looking forward to having the second meeting at end of 2020 or beginning of 2021.
 - Meetings are open forum and to discuss CMR HOA issues
 - Concerns and needs which came out of the initial meeting consisted of (1) dust control, (2) equipment purchase for road repair and maintenance and (3) road base depth study.
 - Purchases in 2020: road grader and water truck.
 - Roads Committee is at a disadvantage since the top layer of road is very thin.

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- Normal roads work consists of keeping the road crowned, ditch repair and road base coverage.
- Road base sampling has been conducted every quarter mile (40 samples in HOA).
 - Findings from sampling
 - 20% of sampling areas did not need surface clearing to find road sub-base since sub-base was visible.
 - Report will be coming soon.
- Thanks to Dave Oswald for donating fill for the culvert on J.7
- Speed hump install was attempted, but roads are too hard to drill. The backup plan is to strap the humps across the road.
- “Cost / Benefit Study” is being generated which will detail hard surfacing of some of roads (Stan Mattingly is working on this study).

Property Management Report: Terry Wheeler & Diane Cherbak

- The “Annual Inspection Report” will be presented at a later meeting.
- January to March, 2020:
 - One property changed hands and that property is being developed at this time.
 - One house changed hands.
- April to June, 2020:
 - Five properties (four of which had houses) sold
- June to present, 2020:
 - Four vacant properties sold, one of which is being developed.
- Summary: 11 properties (five with existing homes, six with vacant properties and two being developed).
- Q: How many lots are for sale at this time?
 - A: Information is not available to the Board of Directors. There are no 10 acre lots currently for sale and one 35-acre lot for sale. The number of houses for sale in the subdivision is not available to the HOA. If members or prospective buyers are interested in this information, they should look online or contact a realtor.

Building Advisory Committee: Terry Wheeler

- No report at this time.

Old Business: Diane Cherbak

- The By-Laws Review Committee has not met since February 2020, but plan to meet the last week of September, 2020.

New Business:

- Election of two Board of Directors positions
 - Terry Wheeler will be stepping down from his BOD position
 - Paul Ruatti and Allen Giannakopoulos were on the ballot. Due to only two positions being open on the BOD and only two applications being received during the time provided for accepting applications, formal voting ballots were not generated for voting for the two positions.

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- Election results for the modification of Covenant 32 to read, “These Covenants may be altered, changed or added to by a majority vote of the membership of the Cedar Mesa Ranches Homeowners Association, Inc. either in person or by proxy. Each lot or tract shown on the official survey map is allotted one vote.” A 2/3rds (92 members) vote of the total membership was needed to pass the initiative.
 - 109 ballots returned (in 2019, there were 108 returned) out of 138.
 - 74 members in-favor of changing Covenant 35, 35 members opposed. Initiative did not pass.

Open Discussion:

- Q: (Duff Simbeck) Is slash burning permitted in the HOA?
 - A: (Diane Cherbak) Slash burning is permitted in the HOA and encouraged, but must be conducted in a safe manner. First timers, please reach out to neighbors or those who have experience in slash burning for guidance. Make sure you call fire dispatch to make them aware of the area the burning will be occurring, in the case someone reports a “smoke scare”. Fire dispatch will provide further information regarding permits and fire bans. Currently, there is a State wide fire ban in place.
- Q: (Unknown) Did Chris (or someone) mow the weeds this year?
 - A: (Diane Cherbak) It is thought that this year’s increase in weed growth (especially tumble weed) is partially due to the mowing conducted last year. If the tumbleweed is not dead and they go to seed, the mowing will disperse the seeds. Mowing was conducted in June 2019 and September 2019. This year, Chris had help mowing (Bob Sanders mowed in June 2020). It was suggested to burn or pull the tumbleweed, but burning can only be conducted in the winter, so seeds will have had the opportunity to disperse during the fall due to snow, wind, etc.
- Q: (Unknown) Is there a backway out of the HOA via K.3 for a fire evacuation? There is also an exit off of K.3 that goes through a gate and exits near SR 160. Is that an acceptable back way out and is it accessible as a fire evacuation route?
 - A: (Paul Ruatti) During a true emergency, yes that route is available. The route is drivable but may be difficult to navigate in the dark or in smoky conditions. The route has a couple of ditches so may be best to have guides to assist those who use the exit. Portions of the exit route is BLM and other portions are privately owned, so access and maintenance cannot be conducted by CMR members.
 - Discussion: There is a fire evacuation road behind the Ruatti residence which exits at the cul-de-sac on J.8.
 - Q: (Unknown) How do we find out where these roads are located?
 - A: (Paul Ruatti & Chris Hinds) The emergency exits have signs at the entrances which say “Emergency Exits”. One is located behind the Ruatti residence on J.9 (as noted earlier). There is also an exit on J.7 which directs westward out of the HOA. During an emergency, there will be emergency personnel who will be assisting with evacuation procedures. The Sheriff’s Department will be assessing the area and emergency personnel will be notifying members regarding evacuation procedures.
 - Discussion: It was noted that there will be indicators installed by the emergency personnel to assist in directing out of the HOA (i.e. ribbons or glow sticks on exits and along emergency routes).
 - Discussion: (Diane Cherbak) There are maps on the website which show evacuation routes (dashed lines). Everyone needs to review their personal evacuation plan (i.e. evacuation routes, “go-bag” contents, contacts, etc.). More information is on the Cedar Mesa Ranches website

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(www.cmrhoa.org) and on the trifold located within the Community Board box at the mailboxes.

- Q: (Anonymous) Is it ok for dogs to bark all night long?
 - A: (Diane Cherbak) No, but to make the owners of the barking dogs aware of the nuisance, a “letter (or e-mail) of complaint” must be sent to the Board of Directors (CMRHOA@yahoo.com) so action can be taken. Discussion: The procedure is to write a letter to the party, notifying them that a complaint has been lodged and that a response to the complaint (with solution) is requested.
- Discussion: (Roy Wilkinson) This year’s election procedures, verification of By-Laws being used, ownership of the roads and the need to update the current By-Laws.
- Discussion: (Unknown) During the Stakeholders meeting, it was asked, “Who owns the roads in CMRHOA?”. We need to request a clarification on the ownership of the CMRHOA’s roads. It was suggested that road ownership be included in the new By-Laws.
 - A: (Diane Cherbak) Clarified the Board of Directors’ requirement to change parts of By-Laws and who is responsible for By-Laws oversight. Provided a brief history of the 2010 By-Laws changes, litigation up to present and explanation of how variances (Covenants) are currently handled.
 - Anyone interested in assisting on the By-Law Committee, send an e-mail to CMRHOA@yahoo.com.
 - Discussion: (Members Present) It was noted that the By-Laws and Covenants need to be followed.
 - Discussion: (Roy Wilkinson) In order for CMRHOA to move forward, we need the membership to vote to allow for changes (i.e. Covenant 32) and to update current By-Laws (currently on-going).
- Q: (Roy Wilkinson) The 2010 By-Laws were not adopted because it wasn’t passed with a 2/3 vote?
 - A: (Diane Cherbak) “The Board of Directors at the time, approved them and said they passed. They then filed the 2010 By-Laws with the County of Montezuma. Judge Plewe (2012) ruled that the Board of Directors could not declare themselves a “CCOIA” (Colorado Common Interest Ownership Act) Community, it required membership approval (2/3 vote); he did not think that it happened...we could have appealed the decision, but decided not to appeal at that time. Since the 2012 decision, Judge Plewe has ruled in three other cases (2015-2019) that Cedar Mesa Ranches HOA is not CCOIA. He noted that we are a “Common Interest Community”, but not a “CCOIA” community.” [summarized]
- Verification: (Robby Moy) CMR is using the 2005 By-Laws, except for the four items (in question) noted in the 2010 By-Laws, which were “passed” on November 13, 2010.
 - 1). Number of Board members.
 - 2). Staggered terms.
 - 3). One- or three- year terms.
 - 4). Majority vote process.
 - Q: (Unknown) Who was on the Board at the time and why did this occur?
 - A: (Diane Cherbak) The Board members in November 2010 were Greg Kemp, Paul Ruatti, Lisa Liljedahl, Chris Schaufele, Bob Sanders, Mike Handron and Pam Linscott. The Board followed the advice of the attorney, at the time, who was versed in the CCOIA law.

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Adjournment:

- The meeting was adjourned at 5:15 p.m.
- Pizza was served and the movie “*Fire in Paradise*” was shown.

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Next scheduled BOD meeting:

Board of Directors Meeting: Wednesday, November 18, 2020 @ 7:00 p.m., location TBD

Respectfully Submitted,

Roy Wilkinson, CMR HOA Secretary
November 1, 2020