

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 January 15, 2020, 7:00 p.m. Mancos Public Library

Board of Directors Present: Diane Cherbak, Paul Ruatti, Roy Wilkinson, Terry Wheeler, Steve Beh

HOA members in attendance (13): Chris Hinds, Bill Holbrook, Phil Mayor, Adam Barnhurst, Bob Sanders, Susan Whitfield, Tim Pargee, Pam Hart, Bill Hart, Janet Huffman, Greg Kemp, Phil Bock & Mary Bock

Call to Order: The meeting was called to order at 7:05 p.m.

Past Meeting's Minutes (Board of Directors Meeting held on November 20, 2019):

- Lot #75 is under construction (addition to November minutes)
- Minutes approved from November 20, 2019

Secretary's Report: Roy Wilkinson

- Minutes are being recorded
- CMRHOA website domain is now in Cedar Mesa Ranches' possession

Treasurer's Report: Diane Cherbak

- November & December, 2019 financials reviewed and explained
- "Statement of Income & Expenses" (2019 YTD) reviewed and explained
- Year end financials were reviewed
- Reviewed modifications to budget (i.e. snow plowing and insurance)
- 44 owners have paid 2020 dues, as of meeting date
- The Financial Report was accepted and approved

Fire / Weed Committee Report: Paul Ruatti & Diane Cherbak

- Paul submitted the Weed Rebate to the County in November, 2019. We have not received the check as of the meeting date, will call to check status.
- Had a "Coffee Break" meeting with Alex Graf from Wildfire Adapted Partnership and discussed a community evacuation drill. Alex will be contacting the parties who will be involved to coordinate the drill's planning. Will incorporate multiple agencies in the drill. Planned for end of April, 2020. Date will be published. The CMRHOA "Community Day" will be the evacuation drill. The fairgrounds will be contacted to ask to accommodate large animals and large vehicles.
- Q & A session

Roads Committee Report: Chris Hinds

- Reported that someone spread ashes on the hill and they worked well as ice melt

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Building Advisory Committee: Terry Wheeler

- Lot #43 & #16 still under construction
- Lot #77 not under construction yet
- Lot #75 under construction
- Lot #31 needs to be updated on status, exterior is completed
- Two variance requests
- Lot #1
 - Needs a variance for a 95 foot setback instead of a 120 foot setback from J.7
 - The 95 foot setback is maximum distance due to their lot contours
 - Lot #1's owner has written a letter to the Board explaining this dilemma
 - Motion to approve the variance under the condition that the neighbors agree in writing (letter from neighbors has been received)
 - Motion passed
- Lot #16
 - They moved into trailer on the property when starting construction in mid-April, 2019
 - The nine month period, per Covenant (#10) is up in mid-January, 2020
 - The construction will be completed in February at which time they will move into the house
 - Owners voiced concern that the trailer would be difficult to remove from the property due to the location and weather in February. Terry offered to assist with needed machinery to remove the camper.
 - Motion to provide variance to end of February
 - Motion passed
- Covenant violation notices were sent out
 - Sent out at the beginning of November and in late December regarding living in guest houses and an "accessory building"
 - Two violations have been resolved
 - The "accessory building" violation letter recipient sent a letter indicating the building was not an "accessory building" but a built-out shed which is intended to be used as a "granny flat" and for family members. Another letter was sent with the allowance of an additional month to comply. A personal visit was conducted due to the lack of contact information. The type of structure and its intended use was discussed. It was presumed that this matter will not be rectified. Legal advice will be the next step.
 - Another violation indicated that someone was living in the guest house, but the renters indicated that it was their daughter living in the guest house during the holidays. No action has occurred at the time of this meeting. Will follow up.

Old Business:

- Small claims case: covered in financials

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- By-Law Committee has been formed and have met twice
 - Goal to update 2005 By-Laws
 - In 2015 we concluded that CMRHOA couldn't follow the 2010 CCIOA By-Laws, but some of the items have merit for CMRHOA's current needs (i.e. voting protocols, Building Advisory Committee responsibilities, etc.)
 - The updates will not make us CCIOA, but will clarify existing verbiage
 - In 2010, "Policies" were established for fines and "day-to-day" operations for CMRHOA. Our attorney advised that the current (2005) By-Laws allow for the use and adoption of the existing Policies. The Committee will approve the revised By-Laws and incorporate the Policies for submission to the CMRHOA Board.
 - Most of the CMR By-Laws can be changed by the Board of Directors. Restrictions (Board cannot change) that need membership approval include:
 - Amount of dues that can be charged
 - Number of Board Members
 - Other (see By-Laws)
 - Committee consists of five CMRHOA members
 - Two are Board members (Diane Cherbak and Roy Wilkinson)
 - Three are past Board members (Bob Fetterman, Bob Sanders and Greg Kemp)
 - Question by membership: "Isn't it within the purview of the Board to be able to change the amount of dues, but it was decided a few years ago, by the Board, that it shouldn't be done without the membership's approval?"
 - Answer (Diane Cherbak): The 2005 By-Laws prohibits changing the amount of the dues without a majority of the membership's approval. In 2010, during the CCIOA vote, there were a number of ballot issues, one was a complete / new set of Covenants or "declarations", which did not pass. There were four or five other ballot items that did pass. One was to change the number of Directors from seven to five and another was allowing the Board to change the amount of dues, but they were not changed at that time. Even though the decision to allow for the dues to change occurred in 2010, the dues did not change at that time. Later in 2015, per our retained attorney and a court decision, we were found to not be CCIOA, so we left the dues as they were and the Board does not have the power to change the dues. The 2010 By-Laws note that the BOD establishes a budget and determines the dues based on that. This was approved by the membership in 2010, and is a part of CCIOA. The State's S.B. 100 did pass, but our attorney did not use the law for the case before Judge Plewe since the Judge said we're not CCIOA.
 - "We cannot place a "statutory lien" without CCIOA's backing, but we can place a "judgment lien" out of small claims court with the existing By-Laws, which is more effective.
 - Discussion and clarification
 - We had comments provided about the climate and road conditions by Stan Mattingly. Not sure if there is a place for the items in the By-Laws or Policies. A more fitting place would be the Covenants, but memberships approval is needed to add in to the Covenants, so they have been provided for review, by the membership, on the website for now.

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Website: Roy Wilkinson

- Reviewed the new website with the membership
- Domain name (cmrhoa.org) was transferred into CMR's possession from the previous webmaster
- Nextdoor does not connect with the website. The new website does not allow for CMR members to communicate with other members. The Nextdoor app allows for such communication as long as both parties are signed up for the app.
- Nextdoor is a "closed" communication app, only CMR members can communicate within the app.
- Question and answers

New Business:

- None

Member Comments

- Question: "If we were to chip and seal part of Road 35, is the road presently able to accommodate the chip & seal?"
- Answer (Terry Wheeler): "No, it needs a minimum of 6" of road base to chip seal. Two years ago, we placed 2" from the entrance to approximately J.7 and last year we finished the 2" to K.3. To chip seal, we need to add 4" of road base. It costs \$20,000+ per mile for 2" and \$40,000 for 4" of chip and seal. So for road base and chip seal, approximately \$80,000 for chip and sealing."
 - (Chris Hinds): "We need to narrow the road, clean up the ditches and work on drainage before looking at chip and sealing".
- Question: "Around the mailboxes, it is very muddy...is there anyway we can have the area paved?"
- Answer (Chris Hinds): "We are working to keep the area around the mailboxes cleared and mud free. We had added materials to keep the mud to a minimum. The area around the mailboxes is not the HOA's property, it belongs to the Mancos Volunteer Fire Department". Chris will keep the area clear as possible. "When they did the road treatment in 2019, they also treated the road side of the mailboxes".
 - Chris will investigate and may re-treat the area.
- Question: "What is the plan for Road 35 in 2020?"
- Answer (Chris Hinds): "We would like to hard seal as much as possible, fix the hard surface at the entrance or bank the money and fix a longer area in the future. Currently looking for a better way to provide a hard surface".
 - Discussion
- Question: "We are the only subdivision that has a 25 mph speed limit many years ago. Most have 20 and 15 mph speed limits and if we are trying to bring down the dust..."
 - Question: "How should we proceed to change the speed limit? The BOD changed the speed to 25 mph many years ago. Unfortunately, the speed limit cannot be enforced".
 - Question: "How does the BOD want the data presented from the Speed Survey?"

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- Answer (Diane Cherbak): “To be part of the official minutes, present the 480 minutes of speed data from the Roads Committee and they will submit to the Board for publication”.
 - Discussion
- Question: “Should we try placing speed bumps and/or speed humps and gather data on the speed changes in the areas where placed?”
- Answer (Chris Hinds): “The roads are already very rough. If anyone would like to ride along during snow plowing, they will find out how imperfect the roads are. The main priority of the Roads Committee is to get the roads in the best condition possible meaning getting the roads relatively smooth with relatively low dust. Our environmental conditions make maintenance difficult”.
 - Discussion
- Comment: “Everyone has complaints about the roads, it’s going to take money to fix the roads. Let’s propose a special assessment... if we are going to get our roads fixed...”
 - Discussion
- Comment: “For any future Speed Surveys, a piece of helpful information is to document when the survey was taken in relation to the last maintenance work.”
 - The difference, from data in the first Speed Survey, at the same location at the same time, was 26.0 mph (average speed) went up to 28.6 (average) mph after grading and watering. It went up 2.6 mph.
 - Discussion

Adjournment:

- The meeting was adjourned at 8:25 p.m.

Next scheduled BOD meeting:

- Board of Directors Meeting: Wednesday, March 18, 2020 @ 7:00 p.m., Mancos Public Library.

Respectfully Submitted,

Roy Wilkinson
CMRHOA Secretary
February 19, 2020



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