

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 November 20, 2019, 7:00 p.m. Mancos Public Library

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

HOA members in attendance (15): Patrick Stout, Pam & Bill Hart, Stan Mattingly, Bill Holbrook, Bob Sanders, Robert Bolyard, Greg Kemp, Bob & Dana Fetterman, Chris Hinds, Phil Mayor, Judi Wilkinson, Cheryl & Gary Brodhagen

Call to Order: The meeting was called to order at 7:07 p.m.

Minutes (Board of Directors Meeting held on September 21, 2019): The minutes were approved.

Secretary's Report: Roy Wilkinson

- Minutes are being recorded.

Treasurer's Report: Diane Cherbak

- Received late dues and fees in September & October. Most expenses were for roads & legal fees.
- Insurance and legal expenses are higher than anticipated, but we have more than \$13,000 remaining in the budget.
- Balances: \$5,620.64 in checking, \$10,383.18 money market & \$40,122.69 in the reserve account for a total of \$56,126.51.
- The Financial Report (attached) was approved.

Property Management Report: Terry Wheeler

- Met with Lot #1 owner (by J.7) and measured where their proposed house placement will be in relation to J.7. Found that the house will sit approximately 95 feet from J.7 instead of the required 120 feet setback (per Covenant #7). The building site is very constrained due to the shape of the lot and drop offs. Property owner will send a letter to the BOD to apply for a variance. An e-mail will be sent to the owner of Lot #2 asking if they have any objection to the variance request.
- Lot #9 home is almost completed.
- Lot #43 is under construction.
- Lot #16 is under construction.
- Lot #31 is under construction.
- Lot #77 construction has stalled.
- Lot #75 is under construction (added at January 2020 BOD meeting).
- Annual inspection update: Address signs need to be posted. Nothing has been done to date to contact the lot owners; wanted to wait until after the Annual BOD Meeting.

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- Diane has sent out three Covenant violations pertaining to Covenant #3 (“*There shall be only one single family dwelling on each lot. Two family and/or multi-family dwellings are prohibited...*”) and Covenant #10 (“*...Recreational vehicles may be stored longer than the 9 months per year, provided they are stored in a storage facility, i.e. barn or garage, which meets all the requirements set forth herein.*”).
 - Heard from one owner and issue has been resolved.
 - Have not heard from the other two owners as to how the issues are going to be resolved. Diane will contact the two by the beginning of December 2019, if nothing is heard.
 - The parties have been given until the January 1, 2020 to have the issues resolved.

Fire / Weed Committee Report: Paul Ruatti & Diane Cherbak

- Paul needs to meet with Roy Wilkinson to provide a weed sprayer. There is room in the budget to purchase a sprayer. Would like to get a bigger pump (gallons per minute) which can also be used for firefighting. Would like to buy this year, since money is in budget.
- Weed rebate to be submitted to the county by Paul Ruatti.

Roads Committee Report: Chris Hinds

- Year-to-date report (see attached titled “11/20/19 Meeting Update”).
- Road Committee is always looking for additional volunteers.
- We have too much traffic for the surface of the road. The Roads Committee is pursuing a hard surface on as much of the road as financially feasible with hopes to eventually surface Road 35 to K.3. This section of road gets 98% of budget, which leaves nothing for the side roads.
- Found an alternative road surface to chip/seal, may be better suited for our needs, more to come.
- Bob Sanders has agreed to allow the HOA to place a 3500-gallon tank, with plumbing to his pond, to fill the water truck’s tank.
- Sherry Nigteagle and Chris Hinds were reimbursed for water usage (see financial expenditures).
- “Road base” vs. Driving Surface Material (“DSM”, as noted in the DOT manual) was discussed.
 - Road base has better drainage and more “course” material, with some fines to hold in place, but zero “plasticity” (ability to hold together).
 - DSM has more fines, more plasticity and smaller aggregate.
 - The HOA were able to get “crusher reject” (non-road base material), which is DSM-like, but with twice the fines and twice the plasticity. When blended with our road material, it’s close to DSM.
- Road 35 has more “crown” (6%) to it which allows for water drainage, so be careful when traveling on 35 during icy conditions.
 - ☞ Discussion on roads and roads’ conditions
- Snow Plowing Contract: Chris Hinds presented his proposal for the 2019-2020 road plowing season. The 2018-2019 contract was set at \$5,000 and allowed for either a bonus or rebate based on amount of snowfall (more or less than normal). Since we had more snowfall than normal, the 40% bonus was paid per contract bringing the total payout to \$7,000. An additional \$3,500 was spent during Christmas for another contractor during Chris’ absence.

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Discussion on contract

- Motion (Terry Wheeler): *“To set the amount for the Snow Removal Agreement, as a line item in the 2020 budget, to \$7,500 or \$75.00 per hour (budgeted for 100 hours of plowing). The 2020 budget is to be revised, transferring the excess amount (\$4,500) from Snow Removal to Road Maintenance / Improvements line item in the 2020 budget”.*
 - Motion passed
- If you notice that any of the roads need attention (i.e. removal of excess due to drifting or road surface abnormalities), contact Chris Hinds via his cell phone (517) 242-1878.

Old Business: Diane Cherbak

- Small claims case: Nov. 7, 2019 trial, both parties presented cases, deliberation for 20 minutes and announced that she (Judge) needed to review the law and would have a ruling in a week.
 - History: May 2018, CMR-HOA filed a small claims suit for unpaid dues and the defendant filed ten (10) counter claims. June 2018, the Small Claims Court found that the Defendant did owe dues and it has taken approximately a year to settle the counter claims.
 - Ruling: Amended order \$2,425 for unpaid dues and fees in 2015, 2016, 2017 & 2018. The defendant was awarded \$2,000 for the two invalid liens. Each party will bear their own court costs.
 - Action: Communication has been sent to the Defendant for payment of unpaid 2019 dues. The ruling amount of \$425 will be disbursed by the Court.
 - Conclusion: All HOA members have to pay dues.

Discussion

- Commercial Variance Status: Brought up at the Annual Meeting (request of a variance by Michael Halls, Nimbus Solutions, Internet Provider).
 - Action: Diane sent a letter to our HOA lawyer, attaching the voting results of the HOA, to determine the interpretation per the Covenants, to make sure this venture will be allowed and to determine who can approve the variance. Per the lawyer, *“generally the HOA operates through its BOD’s, mostly out of convenience. Since this is a “change of use” issue, it’s better to have a members’ vote...this is not technically an “amendment”, because the covenants grant the association the authority to agree to otherwise prohibited industrial commercial uses, but I think you were safer to have the membership vote on this, meaning two-thirds vote.”*
 - Conclusion: It is the Board’s opinion that we do not allow this commercial business.

Discussion

New Business:

- Bob Fetterman rendered his resignation from the Board of Directors.
- Steve Beh will remain on the BOD.
- Roy Wilkinson is the new CMR-HOA Secretary.
- Diane will be forming a By-Law Committee of five HOA members (two Board members & three non-Board members) to update the By-Laws and will hopefully have them completed by the January 2020 meeting for adoption.

KEEP OUR MEMBERS SAFE AND SAVE OUR ROADS, PLEASE DRIVE THE SPEED LIMITS!

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- The HOA website needs updated and has not had new items added during the past year. In June 2019, Diane asked for a website update and if not updated, a refund would be in order. The decision was made to not continue with the same webmaster. Plans are to have the website updated and operational by early 2020.
 - Conceptual updates to the website include elimination of sign-in, access to HOA financials, BOD minutes, court documents, but not members' contact information.

Member Comments

- Question to the BOD: Gary Brodhagen asked if the HOA is going by the By-Laws of 2005?
 - Per Diane Cherbak, the By-Laws are from 2005 and the Covenants are from 2008.
 - 2008 are the last Covenants the membership approved before going to the Colorado Common Interest Ownership Act ("CCIOA"), which was invalidated by the District Court in 2012. Clarified by Diane Cherbak.
- Question to the BOD: Gary Brodhagen brought up the number of Board Members on the Board of Directors noted in the current By-Laws and asked why the By-Laws note the number of Board Members as seven.
 - Per Diane Cherbak, in 2015, the HOA's new lawyer reiterated that we were not allowed to follow CCIOA. It was decided to keep the five Board Members approved by member vote in 2010 instead of going back to the 2005 By-Laws seven member Board.
- A "Speed Survey" was conducted at various locations on Road 35. The results were presented to the Board of Directors. The Speed Survey was conducted by Mr. Sanders & Mr. Campbell to determine the speed of those traveling on Road 35. Using a radar gun, Road 35 travelers (20/24 identified as residents) were surveyed at the mailboxes traveling at speeds of 25 to 44 mph. A second survey was conducted north of the mailboxes in someone's driveway. A third survey was conducted on K.1 and it was found that drivers traveling north (uphill) were speeding (20%-25% were speeding). The next survey was at Bob Fetterman's driveway, surveying those going downhill. (*Note: the speed/RADAR gun was indicated as accurate when compared to a calibrated RADAR gun, during the survey*)
 - Results: It was found that travelers were going faster uphill than downhill (see attached data).
 - It is noted that there are a few HOA members who do not stop for stop signs and are "frequent flyers"! Car makes and models have been noted!
- How to slow speeders?
 - Discussion (speed bumps, speed humps, speed gullies, pictures of car on Nextdoor, letters sent to offenders and/or speed limit signs).
 - Per Chris Hinds, Roads Committee Chairman, humps could be detrimental to the roads' condition, and probably only effective on those who drive slow. Chris asked the County their suggestion to slow the speeds. The County suggested to remove the banking in the turns, narrow and add crown to the roads.
 - PLEASE SLOW DOWN IF YOU SEE A DUST CLOUD IN YOUR REARVIEW MIRROR...THE DUST CLOUDS YOU SEE ARE YOUR HOA DUES BLOWING AWAY!

Adjournment:

- The meeting was adjourned at 9:22 p.m.

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Next scheduled BOD meeting:

Board of Directors Meeting: Wednesday, January 15, 2020 @ 7:00 p.m., Mancos Public Library.

Respectfully Submitted,

Roy Wilkinson, Secretary
December 30, 2019



KEEP OUR MEMBERS SAFE AND SAVE OUR ROADS, PLEASE DRIVE THE SPEED LIMITS!