

# 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 September 21, 2019 Mancos Public Library**

**Present:** BOD – Diane Cherbak, Paul Ruatti, Terry Wheeler, Steve Beh. Absent – Bob Fetterman

Audience (45) – Patty Coen, Stan Mattingly, Jose Armijo, Chris & Stephanie Hinds, Greg Kemp, Janet Huffman, Bill & Pam Hart, Roy Wilkinson, Ben Miles, Bill Holbrook, George & Janice Schuller, John Lyren, Kim Lanyon, Amy & Aaron Loving, Cheryl Brodhagen, Adam Barnhurst, Gail Mingesz, Bob Sanders, Steve & Nan Campbell, Pat & Carol Stout, Darla Robinson, Don & Susan Macklin, Mike & Donna Riley, Duff & Rachael Simbeck, Pete Hebbard, Phil Mayor, Glenda Whalon, Preston Dillon, Doug & Chris Freddes, Chris Schaufele, Phil & Mary Bock, Suzanne Duke, Jeff & Renee Eastin

Lots legally represented – BOD: 4; audience: 32, valid non-attendeo proxies: 52. Total towards quorum (70): 88.

**Call to Order:** The meeting was called to order at 3:04 pm.

**Introduction of Members:** Attending Directors and audience members introduced themselves with their lot or tract numbers.

**President's Remarks:** Diane Cherbak

- Welcome to members at their 2019 Annual Meeting.
- Two items have been added to the agenda.

**Minutes (BOD, July 17,2019):** The minutes were approved.

**Guest Speaker:** Alex Graf, Montezuma County Coordinator from Wildfire Adapted Partnership (WAP)

WAP has begun site assessments in Dolores & Montezuma Counties. CMR is rated at moderate to extreme risk due to dense Pinon & Juniper and housing density. Alex explained fires are wind-driven so wind & crown spacing can increase the risk. Alex explained the Home Ignition Zone, which includes structural ignition and defensible space. Wildfire risk is reduced by creating fire breaks and disrupting the tree crown. WAP is offering free site assessments. The assessment only takes 1 hour; a defensible space plan is created along with evaluation of structural ignition & home hardening. Mitigation includes thinning the lot so it looks like a park without much underbrush. To sign up for a sight assessment either email Alex at [agraf@wildfireadapted.org](mailto:agraf@wildfireadapted.org) or phone 845-750-2914 or go to the website to signup online: <https://www.wildfireadapted.org>.

**Secretary's Report:** Bob Fetterman (absent) – Nothing to report

**Treasurer's Report:** Diane Cherbak

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- Only two members haven't paid dues. Same lot owners that have not paid in the past. One small claims court case will be filed if payment is not received. Two others have made partial payments.
- Commercial Insurance was paid. Premium increased by ~\$500.
- \$8000 left for road maintenance.
- Chemicals for weeds was an expense, but we should be refunded about 50% from the county.
- CMR has \$40,000 in our reserve fund.
- The Finance Report (attached) was approved.
- Ratification of 2020 budget was deferred to New Business since there may be a change based on what happens there.

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

- One lightning strike on Rd 35 on state land on 9/19.
- Mancos Fire lot assessments were sent in a packet to lot owners. 75-80 lots were assessed. If your lot was not assessed, call Alex w/ WAP.
- Greg K. said the county has a program to remove tamarisk from county road right of way. Private landowners can call the county. Not sure of the cost. County contact info: 970-565-0580 (Montezuma County Noxious Weed Dept), [bloving@co.montezuma.co.us](mailto:bloving@co.montezuma.co.us). Their office is at 103 North Chestnut.

## **Road Report:** Chris Hinds (see attached)

- Chris presented the planned and completed roadwork so far in 2019.
- Under "Planned but Incomplete or deferred roadwork", the culvert under J.6 will cost \$5000; the Rd Committee will get new posts for signs that have rotted off.
- Volunteer hours are adding up to be a ton of time. The 150 hours by end of year does not include many extra hours.

## **Property Management Report:** Terry Wheeler

- Annual inspections were done in July. No serious violations.
- Two houses are on the market & ten lots; In the last twelve months, six houses have sold and six lots sold.
- Lots under construction: #9, 16, 31, 43, 75 & 77.

## **Old Business:** Diane Cherbak

- Small claims court suit was filed in 2018 against Lot #26 for unpaid dues. Ten counterclaims were filed by the defendant. After several court proceedings, Lot #26

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appealed to the State Supreme Court, but was denied a hearing. Two district court rulings have determined we do have authority to collect dues. November trial date for counter claims.

## **New Business:**

- A proposal for a commercial variance has been received. In the past, based on Covenant 2, CMR has not allowed commercial business due to traffic impact, dust & visual pollution. This would not set a new precedent. Approval of this will enhance our internet access & could increase our property values. Although the Board has the authority to grant a variance, they thought it prudent to bring before the member audience.
  - Text of Covenant 2 - Lots shall be used only for residential, recreation, agricultural and ranching purposes. Industrial and/or commercial uses are prohibited unless agreed to by the Cedar Mesa Ranches Homeowner's Association.

## **Business Owner -Michael Halls, Nimbus Solutions – Internet Provider (see attached)**

- Michael Halls from Nimbus Solutions is considering purchasing a lot on 35.3, the purpose being: wireless internet transmission. Mr. Halls made a presentation to the meeting attendees and fielded questions from audience.
- The highlights of his presentation were: the tower would be hidden; the tower would be a mono-pine tower & would have the ability to expand internet access to every homeowner.
- Mr. Halls explained this addition would affect property values +/- 1% so the impact would be negligible; it would make internet with increased bandwidth immediately available.
- Mr. Halls states he would have a home & a shop on the property. Nimbus would provide 4G, even up to 5G; it would be privately funded.
- Some lot owners would see one tower, 20 ft tall & one ft triangle. There would be a 4x4x4 hole that is filled with concrete & the tower is stacked.
- It would be solar powered. The tower would be painted the same color as surroundings or he would purchase one that looks like a tree.
- There could be a possible discount for CMR lot owners but the goal is to provide service.
- Currently Nimbus cannot take on any new customers so this would allow for more spots on Menefee Mtn.
- Traffic: the impact would include owner, neighbor & family.
- If approved, construction would begin either end of Oct or next Spring. Nimbus still needs to purchase the land.
- If there is the need to expand, there are other areas to expand to. Many people want a tower on their land.

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- If Nimbus would like to install an additional tower in the future, they will need to approach the board for approval.
- If the business fails, Nimbus would be required to remove the tower.
- An audience member asked if Nimbus would consent to a \$1500/year assessment that would go towards road maintenance. Mr. Halls agreed.
- After Mr. Halls' departure, there was a question and answer period with audience members. There was concern of business expansion. It was suggested that the yearly assessment could increase to \$5000/year if the expansion was approved by the Board.
- A vote was taken by show of hands with 28 yes & 3 no. The motion was passed to allow Nimbus to construct a tower within CMR and to allow this business to operate within CMR. Diane will check with our lawyer to make sure this is allowable.
- Recycle Bin
  - Since the Waste Management recycle bin has been repeatedly defiled with items in the wrong bins and ones that cannot be recycled, etc., they want to charge CMR \$100 every time they empty the bin. The bin is currently emptied every 2 weeks. They have been fining us every time there is a contaminated load.
  - A vote was taken to see if anyone was interested in diverting ~\$1200/year from the Road Maintenance budget in order to pay to continue the recycling service. NO ONE was in favor.
  - Effective Tuesday, September 24, the recycle bin will be removed permanently.
  - Diane will contact Countryside to see if they will provide a bin at little or minimal cost.
- Mailboxes at Curbside
  - Mancos mail carrier is complaining about our roads. There was a question put before attendees as to why there are still 22 properties with curbside delivery since they are not secure. There are plenty of locked boxes at the subdivision entrance.
  - A vote was taken and 17 lot owners would like all mailboxes to be centralized and 7 voted against it.
- Election Vote Tally
  - Diane Cherbak: 79 votes; Steve Beh: 67 votes; Roy Wilkinson: 67 votes. Diane was uncertain how to handle the tie vote. This was an unprecedented outcome. Bob Fetterman has expressed the desire to resign from the Board. If this occurs, both Steve & Roy will serve on the Board.
  - Regarding the vote to change the covenants to change # of votes needed to make a change to the covenants: 76 yes & 32 no. 92 votes were needed to pass this measure. Initiative failed.
  - Thanks to volunteers for calling property owners and to the election committee counting ballots.

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- Ratification of 2020 Budget
  - A vote was taken to modify the budget in order to cover the increase in insurance premium. No other modifications were implemented.
- Additional Items
  - Roy Wilkinson suggested a committee be formed to get more information from Nimbus.

**Adjournment:** The meeting was adjourned at 5:08 pm.

Respectfully submitted,

Patty Coen, Temporary Secretary  
October 19, 2019