

Minutes of the Aspen Rose Ranch Property Owners Association Annual Meeting

August 10, 2013

The annual general membership meeting came to order at 1:20 p.m. Board members present at the meeting were: Ted Hyneck (President), Sandy Parrish (Vice President), Carolyn Reed (Secretary), and Marty Gisclon (Treasurer). Other owners (and renters) present were: George Denbow and Paula Miner, Kit Keith and Bob Lawrence, Bob Reed, and Don and Kathy Simkins (who rent the Watson place). Fifteen parcels (of the 25 that are eligible to vote) were represented either in person or by proxy, so we were able to conduct business.

The minutes of the May 18 quarterly board meeting were accepted as written.

Marty Gisclon moved. Sandy Parrish seconded. Passed unanimously.

Marty Gisclon presented the Treasurer's Report, including the Balance Sheet, the Profit and Loss (P & L) statement, and the 2014 Budget. All statements are included with these minutes. We have \$19,872.35 in our account, as we saved our funds from 2012 to prepare for roadwork this year—we expect to pay \$12,700 for roadwork within the next month. Another notable line item is the \$1,190 we paid last year for snow removal. It was an unusually light snow year—we generally expect to pay between \$2,000 and \$3,000. The financial statements were all approved as presented.

Kit Keith moved. Carolyn Reed seconded. Passed unanimously.

All but four owners have paid their annual assessments. Marty reviewed our process change in regards to unpaid assessments. We first file a lien against the property, and if the debt is not paid by September 1, we turn the debt over to the county tax collector to attach to the owners' tax bill for the following year. This process is free for us, but it takes longer for us to recoup the debt. The lien is then paid when the owner pays their tax bill or when the property is sold at a tax sale. This has worked well for us this year, as evidenced by the \$1,400 we received in 2013 from this process. The current assessment level appears to now be adequate to allow some significant road work to be maintained, so there will be no increase this year.

Marty presented the proposed budget for 2014 (very similar to our 2013 budget), and it was approved.

Carolyn Reed moved. Sandy Parrish seconded. Passed unanimously.

Ted suggested we move our fiscal year from "January 1 through December 31" to "August 1 through July 31." The purpose of the change would be to allow all snowplowing to be accounted for in one year (and ideally roadwork as well). Also, we could give full year's report in the annual meeting. We agreed to make the change official in August, 2013, retroactive.

George Denbow moved. Kit Keith seconded. Passed unanimously.

Ted proposed we again repay part of the debt (\$150 each) to the owners who loaned money to the POA in 2004 to engage an attorney at the height of gas exploration at Aspen Rose Ranch. The loan is secured by a promissory note, and four owners are still owed \$600 each. This payment will bring our obligation down to \$450 per owner.

George Denbow moved. Kit Keith seconded. Passed unanimously.

Ted Hyneck presented the annual President's Report. He listed several key accomplishments of the BOD this year:

- Increased dues for continuing maintenance of road (now at a sustainable level).
- Selected road contractor for grading. The work should be completed within the next month.
- Rested grazing lease to allow our pastures to rejuvenate.

Laura Cooley, chairperson of the Complaints Committee, was not present, but no formal complaints were received.

The meeting was paused to allow for counting of ballots, and then election results were announced:

- President: Ted Hyneck—15 votes.
- Secretary: Carolyn Reed—15 votes.
- Member-at-Large (1): Terrie Baros—10 votes, Fred Baros—4 votes.
- Member-at-Large (2): George Denbow: 14 votes.

In the absence of Terrie Baros, Carolyn Reed presented the CAB Committee report. Carolyn acknowledged Terrie's work on this effort, and we then discussed two forms/processes that the Board proposes we include in our Policies and Procedures document. Both are attached with these minutes.

1. *Building Compliance Form*

- Proposed language: *An Aspen Rose Ranch property owner shall submit a Building Compliance form prior to beginning construction of a residence or outbuilding. The property owner shall submit the completed form to the current President of Aspen Rose Ranch POA Board of Directors. The form will be added to the agenda for the next quarterly board meeting. During the meeting, the Building Compliance Form will be reviewed, discussed, and voted on by the Directors. If the Board needs additional information from the property owner, the President will contact the property owner to gain the additional information, and present the information to the board. Once the board has voted on the Building Compliance Form, the bottom section of the form will be completed and sent to the property owner. All action by the board regarding the Building Compliance approval or disapproval will be noted in board meeting minutes and posted on the web site. (See Appendix M for Building Compliance Form.) Note: To the extent that applicable County or other governmental regulations, rules, codes, ordinances, or laws are more restrictive in their allowable land utilization than Aspen Rose Ranch Covenants, they shall supersede said Covenants and govern at all times.*
- Kit Keith expressed concern that we now have to get approval, due to the additional time involved. She suggested that we add language to allow the owner to request that a special BOD meeting be called if the owner requests a quicker decision. The board agreed to make that change.
- George Denbow asked about the terms "dwelling" and "outbuilding." Kit Keith suggested that we delete "outbuildings." Paula Denbow suggested that we refer to the associated covenants in the instructions.
- We agreed to split the form into three sections, depending on the type of construction under consideration: Dwelling, Outbuilding, and Driveway.
- We tabled a vote on this form until the suggested updates are incorporated.

2. *Request for Waiver Form:*

- Proposed language: *An Aspen Rose Ranch property owner may submit a Request for Waiver form prior to an existing Covenant, Bylaw, or Policy and Procedure. The property owner will submit the completed form to the current President of Aspen Rose Ranch POA Board of Directors. The request will be added to the agenda for the next quarterly board meeting. During the meeting, the request will be reviewed, discussed, and voted on by the Directors. If the Board needs additional information from the property owner, the President will contact the property owner to gain the additional information, and present the information to the board. Once the board has voted on the request, the bottom section of the Request for Waiver form will be completed and sent to the property owner. All action by the board regarding the request approval or disapproval will be noted in board meeting minutes and posted on the web site. (See Appendix L for Request for Waiver Form.)*
- We agreed to Kit Keith's suggestion to add language to allow the owner to request that a special BOD meeting be called if the owner requests a quicker decision.
- We agreed to add the appendix number in the Policies and Procedures language (e.g., "See Appendix L for ...").
- We unanimously accepted the waiver form with the minor modifications.

Kit Keith moved; George Denbow seconded.

Ted Hyneck presented the Road Committee report. Very little grading has been done since our last annual meeting—only minor work on Constanti Ridge. We agreed last year to save our funds to be able to grade Aspen Rose Drive this year from the entrance gate to the bottom of Gisclons' hill. In 2014, we plan to work on Whiskey Canyon, Shorty's Hideout, Hicks Drive, and the Gisclon hill from the bottom to their property line. If we can afford it, we'll do more work on Constanti Ridge. Three bids were submitted for this year's roadwork—Water Works Plus, Robinson & Sons, and Felix Chavez & Sons. The work was awarded to Robinson & Sons. Although not present, Fred Baros asked that his concern be expressed—that we tend to select the lowest bidder, even if that vendor does not fulfill all terms of the bid (i.e., Robinson is "always late" in completing the work). We agreed that going forward, we will include a penalty clause to ensure the terms are met.

Ted Hyneck discussed the grazing lease in Fred's absence. This has been difficult over the last three years, due to issues with the lessee as well as problems caused by the weather. We expect to once again entertain bids for grazing in 2014, and we will ask Fred Baros to follow up.

Ted opened the meeting for miscellaneous issues. He brought to light an issue that has been developing for some time—that of goats and other livestock grazing at will on the Ranch, without authorization by a grazing lease. Ranch residents have tolerated this problem for some time, but two problems have surfaced—the goats have been eating other owners' foliage and the attending dogs have become more aggressive. We agreed that the best way to approach the problem is to

charge for one month of grazing if the goats venture outside their owners' property line. If not paid, the bill would eventually be attached to the owners' tax bill, similar to an unpaid assessment. Although Colorado is a "fence out state," discussion indicated that this only applies to horses, cows and alpacas—not goats, pigs, or sheep. Kit Keith suggested that we change our covenants to state that owners have to keep their livestock within their property lines or pay for grazing. Otherwise, we could lose our grazing lease. Ted will send the offending owners a letter explaining our concerns and telling them that we will charge them a monthly fee for grazing if the problem continues.

Carolyn Reed asked that if we decide to update the covenants, that we also add language to prevent airplanes from landing on the Aspen Rose Ranch. (Earlier this year, this was a question posed by a realtor who had a potential client who wanted permission to land their private plane when visiting their property.)

We discussed the best time to schedule our annual meeting to encourage owners to attend, and agreed on the first Saturday in August.

Kit Keith noted that trees have grown into power lines. She has contacted San Isabel Electric several weeks ago, who said they would be "right out" but have not been. Ted noted that he had the same experience three years ago. Major fires have been caused by downed electric lines, so we agreed to take turns calling until we get the problem resolved.

The annual meeting adjourned at 3:15 p.m.
Kit Keith moved. Carolyn Reed seconded. Passed unanimously.

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Minutes of the Aspen Rose Ranch POA Quarterly Board Meeting *August 10, 2013*

The quarterly Aspen Rose Ranch Board of Directors meeting came to order at 4:05 p.m. Board members present at the meeting were: Ted Hyneck (President), Sandy Parrish (Vice President), Carolyn Reed (Secretary), Marty Gisclon (Treasurer), and George Denbow (Member-at-Large). Terrie Baros had assigned her proxy to Sandy Parrish.

We agreed to the following meeting schedule for 2013-14:

- Nov 3: Gisclon home
- February 15: Parrish home
- May 17: Denbow home
- August 2: Hyneck home

We held a very brief and informal "Lessons Learned" session.

Carolyn Reed distributed "Conflict of Interest Acknowledgment" forms to all directors present, and collected the signed forms. She will email a form to Terrie Baros and Laura Cooley for their signatures.

The quarterly meeting adjourned at 4:25 p.m.
Marty Gisclon moved. Carolyn Reed seconded. Passed unanimously.