

STAGECOACH PROPERTY OWNERS ASSOCIATION

PO Box 774845, Steamboat Springs, CO 80477

January 8, 2011

APPROVED MINUTES

The Board of Directors of the Stagecoach Property Owners Association met on Saturday, January 8, 2011 at the Stagecoach Fire Station for their regularly scheduled quarterly meeting.

Members Present: Sue Kimes (President), Ann Holmes (Secretary), Tonja Elkins, Amy Kopischke, Tom Watts (Vice President), and Stephanie Fairchild

Staff Present: Ken Burgess (General Manager)

Public Present: Tony Stich, Kimi Lehman, Kathy Thorn

Sue Kimes called the meeting to order at 9:05 a.m. The president's comments are that everyone should go out and use the trails!

October 2, 2010 Minutes

Motion: Amy made a motion to accept the October 2, 2010 minutes. Tonja seconded to accept and the motion was approved.

October 28, 2010 Minutes

Motion: Tom motioned to approve the October 28, 2010 minutes. Sue seconded and the motion was approved.

November Email Vote—Rules Committee

Motion: Tom moved that the minutes from the November 14, 2010 email vote be approved. Amy seconded and the motion passed.

Treasurer's Report

Motion: Tom motioned to accept the check register as presented. Tonja seconded and the motion was approved.

South Shore Parcel B Report

Tom reminded members that there was a proposal for a mailbox/recycling area by the South Shore sign. Upper Yampa Conservancy District referred SPOA to the state park. Tom and the committee spoke with both entities and discovered that Upper Yampa can make an approval in the form of a lease. Upper Yampa has since approved. Now they need to give notice to the park and the Federal Regulatory Commission. The attorney for the district has now asked SPOA board members to sign the lease (Tom distributed copies of the lease).

Tom reviewed the lease with the board members present. The lease is a 20-year lease with a commitment of \$100 per year. There are improvements required of the property including fill and a bus shelter as well as property insurance. There is no automatic renewal on the lease. Tom reported that the funds for the improvements would come from the roadway funds. Plans would be drawn, distributed for comment, approved and then put out for proposals by builders (with an objective of rewarding the contract to a local contractor).

Tom reported that the South Shore residents propose that landscaping and maintenance come from dues paid by South Shore owners.

Motion: Tom moved that the SPOA President and VP enter into the lease agreement as presented. Tonja seconded. Regarding a school bus shelter, Tony asked if Tom had spoken to the school. Sue reported that some contacts have been made but there is more to be done. Tom reported that before a bus shelter is built, SPOA will be notified and a vote will be taken. A vote was taken on the motion regarding a lease agreement and the motion passed.

Tom noted that he needs \$500 to pay Erica Swissler (an architect who lives in South Shore) to draw up a design on the property so all have an opportunity to comment. Tom recommends that the funds come from the roadway funds.

Motion: Tom made a motion that SPOA allocate \$500 to come from the roadway funds for Erika to prepare a rendering. Tonja seconded. Ken and Sue noted that there may be restrictions on the roadway funds. The motion was amended that the funds come from the reserve fund. Tonja seconded and the motion passed.

CC&R

Tom reported that SPOA's antiquated covenants continue to cause problems. Tom reminded the board that he looked into amending the covenants through judicial means. He reported that there are significant problems in proceeding with this method. There are two main problems with the covenants as they stand. First, votes to increase dues requires 60% voting or a quorum (approximately 1,500 people) to vote. If that doesn't happen, a second meeting would be required and 30% voting to get a quorum. SPOA has never gotten close to these numbers. The second problem is that the current covenants combine the things that ought to be discretionary with things that ought to be the law.

Tom reported that legally, SPOA may not amend covenants to make amendments with less than 50% participation. According to state laws, boards may not make changes to "property rights" (covenants) without at least 50% agreement of owners. Tom then reported that there are limited things SPOA can do. SPOA can take portions of the covenants, separate them, eliminate the quorum requirement and set different

requirements. Tom reported that in order to make such a change, SPOA would have to go through CCIOA requirements which include notifications, meetings, and a 33.5% yes vote. If you get the 33.5% “in favor” vote, then SPOA could go to the court, notify all owners again and give them an opportunity to object.

Another possibility is for SPOA to amend the covenants and then divide the covenants in two parts—the parts that should be the law, and the parts that should be discretionary. First step is to re-write the covenants so that a quorum is not required for discretionary items (i.e. discretionary items could be subject to architectural review committee approval). Then SPOA would go through the CCIOA process to make these changes. This is a major undertaking but Tom noted that it would be easier than changing the quorum requirements.

The other option is to act as if the covenants are written the way SPOA wants them to be written. The rules are enforceable by the covenants as they are written and will likely be defendable in a court of law.

Ken reported that there is activity at the state that may help SPOA to amend the quorum requirements. Tonja is concerned about the cost of what is likely to be a loosing battle. Tom clarified that the cost at the early stage would only involve mailing and getting out the vote costs. Judicial costs would come only after SPOA gets the required “in favor” votes. Sue reported that recent history has shown that any votes on increasing dues have been negative. Sue noted that past problems were in part due to a lack of marketing or any explanation of what the funds would be used for. Tony added that he has reason to believe that property taxes will go down for vacant lots.

Sue proposed that the board table the discussion.

Trails Report

Amy reported that the cross country trails are currently being groomed and used. People can cross country and skate ski. Snowmobilers are not welcome on the trails. Amy reported that there needs to be more signage and poles to mark the trails. The trail map is on the website. Amy thought that naming the trails might be a fun way to get the community involved and invested in the trails. Amy also reported that there may be some community gardening opportunities. Tom invited all to a group outing tomorrow morning.

Manager’s Report

Ken reported on the following:

- High Speed Internet – it is in the south and is working well.
- Rules Committee Hearings

- Kraus Property - There is a notice of violation on the Kraus property in Blackhorse I. A lien on the property is next. Ultimately, SPOA can pay to clean up the trash and then charge the owners.
 - Eldridge Fence – The rules committee has sent a notice of fine for the fence. The rules committee is working with the Eldridges to set up a hearing. Amy noted that “the fence issue” seems to come up every year. She suggested that SPOA be proactive, perhaps there could be an article in the newsletter or website about fences, etc. (maybe an FAQ). Bottom line, people need to ask ARC (the architectural review committee) for permission. Ken noted that new owners do receive a letter about policies and procedures. Stephanie and Ken will work together to distribute proactive SPOA communications to new buyers and anyone filing for property changes.
- Green Ridge Mailbox Proposal (email) – An owner asked about putting up his own mailboxes on the existing Morningside concrete slab. Ken said no, but that they could buy the empty cluster slots at \$200 each.
- Logging in Horseback (email) – Tony and Ken have been working on this issue. They have had conversations with Intermountain Resources who could do beetle-kill mitigation for \$400 per acre. Beetle-kill trees have been a problem for about 5 years. The properties affected are private, but SPOA is involved because it affects its members’ properties. Ken has requested grant funds on behalf of SPOA. Next, SPOA needs to get property owner agreement. Some homeowners have logged their own properties. Tony reported that logging will reduce the fire risk by 60%. Tom noted that someone needs to solicit liability waivers from property owners. He asked that SPOA allocate funds to hire someone to do this. Ken mentioned Jim Ficke. Ken noted that SPOA could concentrate on one area (possibly 100 acres). Ken noted the logger (Intermountain Resources) would separate the logs into 3 piles (logs that could be sold, logs stacked for owners to use as firewood, and brush/slash piles).
 - **Motion:** Ken has already requested grant funds on behalf of SPOA. Tom moved that SPOA ratify a motion that the General Manager request grant funds to log on SPOA’s behalf. Sue seconded and the motion passed. Tony added that even if SPOA does not receive the grant, SPOA must continue to look into efforts to alleviate this problem. Ken recommended as part of the marketing SPOA proceed with 100 acres to show others what proper logging looks like. It is for the benefit of Stagecoach in general. Any funds should come out of the general fund.
 - **Motion:** Tom moved that SPOA authorize that the General Manager spend up to \$2,000 from the general fund to solicit liability waivers from property owners to log 100 acres. Tonja seconded and the motion passed. The board discussed that no formal sanctioned liability waiver is required as long as Sally Claassen (the SPOA attorney) reviews and approves the waiver. Tony emphasized that time is of the essence.

- o **Motion:** Tom made a motion authorizing Sally to review and approve a logging contract. Sue seconded and the motion was approved. Ken asked the board to approve \$10,000 for a burn supervisor if the grant money goes forward. A burn supervisor would coordinate with the state. Ken clarified that the total logging need is for approximately 1,000 acres. He is proposing that he proceed with 100 acres at a time.
 - o **Motion:** Tom made a motion that SPOA allocate \$2,000 from Horseback and \$3,000 from the SPOA general fund to match fire district funds to hire a burn supervisor and additional personnel to remove existing slash piles. Stephanie seconded the motion. The motion passed.
- Stored Vehicles – The rules committee came up with some recommended verbiage (see “Temporary Residences and Vehicle Storage on Vacant Lots” handout). Ken noted that SPOA must be consistent in handling this issue. Tom clarified that Ken is asking that SPOA approve the verbiage on the handout to post on the website and in the newsletter. This is not a policy change; it is a clarification of existing policies sanctioned under CCIOA.
 - o **Motion:** Tom made a motion that SPOA initiate a publication process for this policy rule adoption. Stephanie seconded. Discussion followed. Tom amended the motion that SPOA initiate the policy pursuant to article 6 in the Stagecoach responsible governance policies. Stephanie seconded. The motion passed.

New Business

- Wagonwheel Bus Shelter – Ken reported that he just started investigating the addition of a bus shelter at Wagonwheel. He has not contacted the school yet. Tom asked that when a bid for contractor goes out that Ken favor local contractors in Stagecoach.
- Annual Meeting Date – Sue set the annual meeting date for Saturday, July 30, 2011.
- Nominating Committee – Ken reported that there are 3 vacant seats on the SPOA board (Amy and Ken have completed their term and Don has resigned).
 - o **Motion:** Sue made a motion to appoint Kimi Lehman to fulfill Don Alperti’s term that ends July 2011. Tonja seconded and the motion passed unanimously. Sue will head a nominating committee for the other openings. Sue appointed Amy and Tonja to be members on the committee. They agreed to serve. Sue will write an article for the newsletter.

Other

Tonja recommended allocating some SPOA funds for a new group called The Friends of Stagecoach State Park. She distributed a handout about the group. The mission of the group will be to support environmental education and stewardship of Stagecoach State Park and to sponsor activities and park improvement projects. The immediate objectives

will be to groom skate-ski trails around the lake. Tom noted that it is in SPOA's best interest to work with the park.

Motion: Tonja made a motion to allocate an \$800 donation to the Friends of Stagecoach State Park. Amy seconded and the motion passed. Tonja also mentioned that there may be leftover funds from last year's fireworks for the group to use for another fireworks night.

Adjournment

Sue set SPOA's next meeting for April 16, 2011 at 9:00 AM at the firehouse.

There was a motion from Ann and a second by Sue to adjourn the meeting at 11:55 a.m. The meeting was so adjourned.