

Stagecoach Property Owners Association Stagecoach Express

A Quarterly Newsletter

www.Stage-Coach.com

No 1st Quarter • 2016

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President's Message

By John Troka

With the 2016 presidential election in full swing, the war of words has begun and we must now endure the non-stop stream of media coverage and advertising outlining the virtues and pitfalls of every candidate. Regardless of which candidate you support, there are some things that are tough to argue. For one, there as many different ideas as to how to best deal with the myriad of issues facing the country as there are voters. There is also the ever increasing difficulty in separating fact from fiction when it comes to the various political statements being made.

In our little corner of the world, Stagecoach, these same items hold true. There are as many different ideas as to how our owner's association should operate as there are members in the Association. Likewise, with 40+ years of history, it can often be difficult to separate fact from fiction when it comes to our Association and the Stagecoach community.

As a Board, we often hear from owners who have thoughts and ideas as to how the Association should or should not be operated. In other cases, we hear from members who disagree with Board decisions that have been made. Please know that the Board welcomes and appreciates all member's input, comments and feedback. Nonetheless, in most cases there will be some members do not agree with the direction

the Board takes and/or particular decisions that it makes. To this I want all members to know there is strength and balance in the Association's governance and decision making process. This comes in part from the unusually large size of its Board of Directors. With nine Board members, decisions are made based on the collective input and feedback from a diverse group of Stagecoach property owners. In addition to their individual backgrounds and experiences, today's board members represent a cross section of property owners in the Stagecoach community. For example, some board members are permanent residents of Stagecoach while others own a vacation home or merely a vacant lot in the community. In addition, the property of some members are fully served by public utilities and accessed by county maintain roads while others have partial or no services available. This large and diverse ownership interest helps ensure that Board decisions are balanced and focused on best serving the interest of the Stagecoach community as a whole.

As to the difficulty of separating fact from fiction, please know the Board is committed to ensuring transparency about the Association, its management, and the decisions of the Board of Directors. In addition to meeting its obligations for disclosure as outlined in the Colorado Common Interest Ownership Act (CCIOA), the Association has made available important legal and business documents relevant to our Association on the website www.stage-coach.com. These include current and historical copies of meeting minutes, financial statements, newsletters, and variety of public filings and documents. Additionally, all of the Association's Board

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meetings are open to Association members. Board meetings include time for members to address the Board and members are encouraged and invited to participate in the discussions.

Often we hear from members who are reacting to something they have heard from neighbors or read about in the local paper. We invite all members with questions or concerns to contact our Association Manager Bryan Ayer. Bryan can speak to the daily operation of the Association as well as to activities of the Board of Directors. If Bryan does not immediately know the answer, he will work with the Board or other appropriate individuals to get you an answer. I would also encourage all members to visit the Association's website at www.Stage-coach.com. The site contains a wealth

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of information about the Association and our community and we regularly add more information to it.

Finally, while the presidential election may take center stage, I would like to remind all members that there are many local elections occurring this year (*see article on page 6*) that directly impact the Stagecoach community. The ballot box is an important part of our democratic process and I would encourage all members to exercise their voting rights. Better yet, if you want to actively participate in the local governance process, throw your hat in the ring and run as a candidate for an elected position with one of the special districts or owner associations that serve the Stagecoach community. At our annual membership meeting in July, we will be electing members to fill at least three seats on our Board of Directors.

Thank you again to all those members who have reached out to the Association with your input and feedback. It is only through the active engagement of our 1,500+ property owners that we will build and strengthen our community.

Covenant Amendment Provides A Way To Construct Necessary Infrastructure

By Tom Watts

Until recently, Association members who own lots in undeveloped portions of Stagecoach have had no way to obtain the infrastructure necessary for them to construct a dwelling on their lot. The lack of standard roads, in particular, has been a major obstacle. Even if you can get the building materials to the site, the County won't issue a building permit unless the fire district certifies that its trucks can reach the lot.

In early December the Routt County District Court approved an amendment to the Stagecoach Covenants which provides a method for lot owners in an undeveloped area to obtain necessary infrastructure improvements. The process can be triggered by a lot owner or group of lot owners who want to construct, or repair, a particular improvement. The improvement could be a road, an electric line, a water line, a sewer line, or something else. The only requirement is that the process be directed at the construction or repair of a "capital improvement."

Under the terms of the amendment, the process is initiated by a vote of the directors of the Association. However, this does not mean that the idea has to originate with the directors. Individual lot owners or groups of lot owners can contact the directors, through the managing agent, Bryan Ayer, and request that the directors initiate the process. However, any such request should be in writing and give a reasonably detailed description of the improvement that the lot owner wants the Association to construct. Upon receipt of such a request, the directors will identify the other lot owners who

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will be affected by the construction of the improvement and will try to determine, informally, the level of interest among the affected lot owners. If the initial request is made by a substantial number of the affected lot owners, it may not be necessary to gauge interest before starting the process.

If the directors can determine that there is substantial interest in the proposed project from affected owners, the next step is to estimate the construction cost. In some cases, such as the construction of an electric line by Yampa Valley Electric, the cost is determined by the utility. In other cases, such as the construction of a road, it may be necessary for the Association to pay for preparation of plans by an engineer or architect before bids can be solicited from potential contractors.

Once the cost has been established, the directors are then in a position to pass a resolution to put the matter to a vote of the affected lot owners. If the directors pass such a resolution, a written notice will be sent to the affected owners, advising them of the proposed construction project and the estimated cost and further advising them that if 67% of the affected owners vote to proceed with the project, then all affected owners will be assessed their pro-rata share of the cost. The written notice will include a ballot for the owner to vote "yes" or "no" on the project. Only if the Association receives "yes" votes from 67% or more of the affected owners, within 180 days of the date the notice is mailed, will the special assessment go into effect.

If the directors are unanimous in their decision to proceed, the notice will also include a statement, approved by the directors, stating the reasons why the affected owners should approve the assessment. If the vote of directors is not

unanimous, then the notice will include a statement giving reasons both for and against the approval of the special assessment.

If the construction project is approved by the necessary majority of lot owners, the Association will then proceed to collect the special assessment from all lot owners whose lots are affected by the project. The decision on when to sign a contract with the contractor will be made by the directors based upon the Association's success in collecting the special assessment. In certain circumstances, the directors may

decide to advance Association general funds to start the construction, even though the special assessment has not been collected from all affected lot owners. In other cases, the directors may decide to wait until the special assessment has been fully collected before signing a contract. It is also possible, particularly for expensive projects, that the Association may borrow the funds necessary for construction and collect money from affected lot owners over a period of years to repay the loan. In that event, the special assessment would include not only the lot owner's pro-rata share of the cost of construction, but also the

owner's pro-rata share of the cost of borrowing the money.

The recent covenant amendment is the first substantive change to the covenants since they were recorded in 1971. The amendment gives us an opportunity to correct the infrastructure deficiencies created by the Woodmor bankruptcy. However, it will only serve its purpose if individual owners agree to pay their fair share of the cost of necessary improvements. If you would like to try to use the new amendment to construct capital improvements to benefit your lot, please contact Bryan Ayer to discuss the matter.

If the construction project is approved by the necessary majority of lot owners, the Association will then proceed to collect the special assessment from all lot owners whose lots are affected by the project.

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High Cross Owners Seek to Amend the High Cross Covenants

At the Association's Board meeting in January, a group of High Cross owners presented a proposal for amending the High Cross Declaration of Covenants, Conditions, and Restrictions (the 'covenants') and requested the Association conduct a vote of High Cross owners on the proposed amendment. The amendment, if approved, replaces the Stagecoach Property Owners Association with the High Cross Owners Association as the entity responsible for maintaining administering and enforcing the High Cross covenants. The owners putting forth the proposal, along with their supporters, believe they will be better served by a smaller association which is focused on the specific needs and requirements of the High Cross community.

The High Cross subdivision, while a part of the original platted Stagecoach development, is subject to a covenant document which is different from the covenant document that governs all other Stagecoach subdivisions. While both covenant documents name the Stagecoach Property Owners Association as the entity responsible for managing the communities, the documents can be amended separately by the owners of the communities covered. In the case of High Cross, their covenants can be amended by an affirmative vote from owners representing 51% of the 65 platted lots within the High Cross subdivision.

The Board reviewed the proposed amendment and discussed the High Cross owner's request for assistance. At the meeting, it deferred a decision on conducting an election pending a review by the Association's legal counsel to determine: 1) if the proposed amendment meets the requirements of the High Cross covenants and the Colorado Common Interest Ownership Act (CCIOA); and 2) what impacts, if any, does the proposed High Cross covenant amendment have on the property rights of owners in all other Stagecoach subdivisions represented by the Association. The Board will reconsider the High Cross owners' request for conducting an election upon completion of the legal review.

The Association will continue to work diligently to communicate with all owners as this proposal is considered and Board actions, if any, are taken. It is very important that all High Cross owners understand the benefits and the risks of the proposed amendment to the High Cross covenants.

You may contact the Stagecoach community manager, Bryan Ayer if you have questions. Bryan can be reached by phone at 870-875-2810 or you can email him at Bayer@steamboatassociations.com.

Stagecoach Trail Project

By Tom Rashid

It has been a long standing goal of the Association to build an interconnected trail system throughout the Stagecoach community. This trail system would utilize the Association's common areas and dedicated trail easements. Recent increases in the Association's annual assessments will provide the funding for the Association's trail projects.

In the fall of 2015, two potential sites were identified for community trails. Site tours were held with a few local organizations that specialize in trail development in order to gain a better understanding of the feasibility and cost of designing and building trails. The two potential trail sites identified are located on common areas within the Meadowgreen and Eagles Nest subdivisions.

Things to consider when building a trail are location, access, trail maintenance and parking to name a few. The preference is to connect new trails with existing trails to begin developing an interconnected trail system. The trails will be built on common areas that are owned by the Association and can be enjoyed by all residents of our community.

The Board has chosen to first pursue completing a small trail project as a way to gain knowledge of the process and the time and costs involved. The goal is to begin work on this first trail project in the summer of 2016.

If you have suggestions on potential trail sites, wish to volunteer to work on this project or provide feedback of any kind, please contact your Association Manager, Bryan Ayer at bAyer@steamboatassociations.com or call 970-875-2810.

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Road Committee Reminder

CAUTION

FLOODING AHEAD

Given this winter's significant snowfall, it is expected the spring run-off will have significant impact on both the improved and unimproved roads within the community. Many areas are prone to flooding and can remain wet for extended periods. All property owners are asked to avoid driving on surfaces with flowing water and/or deep mud as this will further damage the area and limit future access.

Property owners are also asked to contact the Stagecoach community manager Bryan Ayer with the location of significantly damaged road surfaces. Bryan can be reached by phone at 970-875-2810 or by email at BAyer@steamboatassociations.com.

2015 Stagecoach Real Estate Sales

By Rebecca Bailey, Town & Country Properties

2015 real estate sales in Stagecoach were very robust, with 38 sales of single family homes ranging in price from \$135,000 (bank owned in Black Horse I) to \$690,000 (Lakeview Meadows on 5 acres). Of the 38 sales, only 5 were bank owned, which is encouraging news that our market is approaching normalcy once again. As Buyers get priced out of the Steamboat, more are searching in Stagecoach, Hayden and other outlying areas.

Three single family homes are under contract and we anticipate sales will pick up as springtime approaches. The current inventory of available homes is low, with 9 listings priced from \$330,000 to \$2,949,000 (home on 301 acres), making this a great time to think about getting your home on the market!

Throughout the year, there have been 11 townhomes sold, along with 2 condos. One Eagles Nest and one Stagecoach Townhome are pending, and there are no active listings. The highest sales price for Eagles Nest was \$168,000, and for Stagecoach Townhomes \$165,000.

Vacant lot sales remain sluggish, with 29 sales throughout 2015. These ranged from \$2,000 to \$365,000, with a median price of \$17,400. Currently there are 111 active lot listings.

Springtime in Stagecoach

Inventory is Low for Single Family Homes and Townhouses. Call Us Today and Call it SOLD!

Your LOCAL Source for Buying and Selling!



Rebecca 970.757.1111



106 E. Main St., Oak Creek, CO



Kerry 970.846.9591

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Local Special Districts Announce Elections

The Morrison Creek Metropolitan Water & Sanitation District (MCMWSD) and the Oak Creek Fire Protection District (OCFPD) gave notice that they will hold an election on May 3, 2016. Both districts are holding elections for the purpose of electing four (4) directors to their five (5) member Board of Directors. Two (2) of the directors will be elected to serve 4-year terms and two (2) Directors will be elected to serve two (2) years. Please note, MCMWSD and OCFPD may cancel the election if there are not more candidates than director positions to be filled.

To be eligible to vote in either District's election, you must be a registered voter in the state of Colorado AND you must reside in the special district, OR or you, or your spouse or civil union partner, must own taxable real or personal property situated within the boundaries of the special district, whether said person resides within the special district or not. As a member of the Association, all members own real property which falls within the boundaries of both MCMWSD and OCFPD.

If you are not able to or do not wish to cast your election ballot in person, you may request an application for an absentee voter's ballot by phone or in writing from the designated election official. Your request may also include a request that you be added to the permanent absentee voter list thereby ensuring you will receive a ballot for all future elections. On **pages 19 & 20** of this newsletter, you will find applications for an absentee ballot for MCMWSD and OCFPD which you can complete and send to the designated election officials for each district. Your application for an absentee ballot must be filed with the designated election official no later than the close of business, 5:00 p.m., on Friday, April 29, 2016.

MCMWSD and OCFPD are integral parts of the Stagecoach community. As such, the Association encourages all of its members who are eligible to vote in the elections to participate in person on May 3rd or via an absentee ballot.

Designated Election Officials

Morison Creek Metropolitan Water & Sanitation District

Melinda H. Sherman
c/o Sharp, Steinke, Sherman and Engle LLC
401 Lincoln Avenue
P.O. Box 774608
Steamboat Springs, Colorado 80477
970-879-7600

Oak Creek Fire Protection District

Charles Wisecup
131 E. Main St.
P.O. Box 152
Oak Creek, Colorado 80467
970-736-8104

School District Notice

If you have a child who will be starting Kindergarten at South Routt Elementary next fall and he/she is not enrolled in the South Routt Early Learning Center please either call Cheryl Sullivan at the elementary school (638-4558) or email csullivan@southrouttk12.org. In order to start kindergarten children must be 5 years old before October 1st. Thank you.

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Owners Responsible for Control of their Pets

Recently there has been an increase in member complaints related to loose and/or noisy dogs in and around the Stagecoach community. It is the responsibility of every owner to maintain control of their pets at all times. Routt County has specific rules and regulations related to pet safety, licensing and control. Shown below are two specific rules taken from the County's regulations which address barking dogs and dogs running loose. A complete copy of the County's animal control ordinance can be found on the Association's website at www.stage-coach.com.

Members who have concerns about a pet's welfare and/or witness violations of the County's animal control ordinance should contact the Routt County Sheriff at 970-879-1090.

Section 5. Barking Dogs.

(a) It shall be unlawful for any person owning or keeping a dog to fail to prevent such dog from disturbing the peace of any other person by nuisance barking or loud, persistent or habitual barking, howling, yelping, or making any other loud, persistent, or habitual noise as described in Section 2(x), whether the dog is on or off the owner's premises. Dogs guarding livestock shall not be exempt from the application of this section unless such barking is related to the presence of a predator, intruder, or unconfined animal.

Section 6. Dogs Running at Large.

(a) It shall be unlawful for the owner of any dog to fail to prevent the dog from running at large in any unincorporated area of Routt County. Any dog off the owner's premises or on private property without the permission of the property owner must be under control as defined in Section 2(i) of this Resolution, inside a vehicle, or physically confined so that said dog does not have access to passers-by. If injury, damage, or trespass has occurred, there shall be a presumption that the dog was not under control.

(b) It shall be unlawful for the owner of a dog to allow such dog to attack or chase any person or domestic animal, harass any species of wildlife, or worry any livestock.



Stagecoach Express Advertising Rates

Stagecoach Property Owners Association puts out a quarterly newsletter that is mailed to approximately 1200 owners of which about 400 live in Stagecoach and another 400 more who have property in Stagecoach and live in the Oak Creek and Steamboat area. We are accepting ads to be included in our next publication which comes out the beginning of February.

The newsletter is in an 8-1/2 x 11 inch format, written in 2 columns. The ad sizes and prices per edition are as follows:

- 1/4 page – 3.625" w x 3.25" h \$80
- 1/3 page – 3.625" w x 5" \$120
- 1/2 page vertical – 3.625" w x 7.5" h \$150
- 1/2 page horizontal – 7.5" w x 3.25" h \$150

There is a 20% discount if 4 orders covering one year are placed. Sorry but we no longer do business card size due to our new layout.

Ads can be in color or in black/white and can be sent to us as hi-resolution JPG, TIFFs or PDF files. Please Email us your format. If you would like to advertise, please contact the Association Manager bayer@steamboatassociations.com.

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Informational Meeting With Sheriff Wiggins

On January 21, several of the Association's board members and the Association Manager Bryan Ayer met with Sheriff Wiggins of Routt County. The purpose of the meeting was to discuss what residents and property owners can expect from the Sheriff's department when it comes to the safety and protection of the Stagecoach community. Specifically the conversation touched on several items including recent break-ins and thefts, unauthorized hunting and gunfire, trespassing on undeveloped and Association property, and illegal commercial marijuana operations in the community.

At the meeting Sheriff Wiggins indicated he had reviewed past reports of incidences in the Stagecoach community and he found nothing unusual in terms of the type and number of incidences reported to his department. He felt that based on his review of the data, Stagecoach is a safe community.

Key takeaways from the meeting included:

- In rural areas and such as Stagecoach, a community's best tool in ensuring the safety and protection of its residents are vigilant and attentive neighbors, Sheriff Wiggins encouraged the Association to investigate the establishment of a neighborhood watch program. He further recommended the Association look at providing an identifying decal for owners to use on their vehicles so that residents and property owners can easily identify when unauthorized vehicles may be in the area. The Association intends to further investigate Sheriff Wiggins' recommendations.
- If a resident or property owner finds themselves in imminent danger, sees suspicious activity or is witness to an activity that is against the law, they should immediately contact the Sheriff's department. Other incidents where members should contact the sheriff include: trespassing, animal complaints, destruction of property, including off-roading in muddy areas and unsafe gunfire.
- Detailed and timely information is essential to helping

the sheriff's department investigate and resolve reported incidences. When contacting the sheriff's department, residents and property owners are asked to provide as much specific information as possible including the location of the incident, descriptions of people and vehicles, license plate numbers and any other pertinent information. However, at no time should a member place themselves in a dangerous situation in an attempt to gather information.

- The sheriff's department has limited patrol resources which serve the entire County. As such, it may take some time for a sheriff's deputy to arrive on the scene of a reported incident. While members have expressed frustration with this and have indicated it discourages them from calling, we encourage all members to continue to report all incidences as appropriate.

After reporting an incident to sheriff's department, members are encouraged to also notify our Association Manager Bryan Ayer at (970) 875-2810. This will allow the Association to provide timely information to all owners about current safety concerns and steps they can take to better protect themselves and their property. In addition, if it is determined the incident involves a member violating the Association's covenants or rules and regulations, the Association will take action as appropriate including a call for abatement and possible fines if there is a reoccurrence of the violation.

Forest Service Planning Timber Cutting Near Lynx Pass

The USDA Forest Service will be pursuing a forest management project off of County Road 16 in the Morrison drainage near Lynx Pass for the summer of 2017. The



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Forest Service • Continued from Page 8

contract is being prepared for bid later this year.

The Forest Service originally completed an environmental assessment for the Morrison Creek project in 2011. At that time, it proposed clearcutting a total of 1,300 acres of dead lodgepole pines. Based on recent field surveys, the number of dead or dying pines was not as severe as originally predicted. As a result, the Forest Service has modified its original proposal to reduce the harvest by approximately 40% to 750 acres of lodgepole pines. However, with fewer dead trees than expected, there are more live trees still interspersed in the tracts to be harvested. As such, the revised plan includes harvesting of some live lodgepole pines in addition to the dead ones.

Basia Trout, the District Ranger, provided the following responses to the Association's comments concerning the safety of Stagecoach Residents about heavy equipment traffic and the effect that it may have on residents and as well as roads.

"The Forest Service has considered the Stagecoach Property Owner Association's comments and concerns and incorporated them into the Morrison II Fuels Reduction Project. Specifically, the following measures will be implemented to address your concerns":

- To minimize traffic and noise near residential areas in the project area, the contract will require that log haul routes and access by the Purchaser be via Lynx Pass and Colorado State Highway 134, both to enter and exit.
- Timber Sale Contract Provision B6.33, Safety: Requires the Purchaser to comply with safety requirements related to public motorist safety and road conditions, including furnishing, installing, and maintaining all temporary traffic controls that provide the user with adequate warning of hazardous or potentially hazardous conditions associated with Purchaser's operations.
- Timber Sale Contract Provision B6.34: Ensures Purchaser will take all reasonable precautions to prevent pollution of air.
- Appropriate and standard signing will occur when operations are ongoing. Speed limits and hours

of operation will be followed by contractors and employees."

Additional information on the project can be found at:

http://www.fs.fed.us/nepa/nepa_project_exp.php?project=47805

You may also contact the Forest Service's District Ranger Basia Trout at 970-638-4176 or basiatrout@fs.fed.us.

Serving Our Community

Are you looking for a way to help move our community forward? Do you have ideas on how to improve or better our community? Are you inspired and motivated to make a difference in our community? Then we have several opportunities for you to serve.

First, the Board is seeking individuals interested in helping to coordinate the planning and execution of community wide events. As our community continues to grow, the Association is committed to support activities and events which foster positive neighbor relationships and build pride in our community. The Board has discussed hosting community wide events this year and your ideas and thoughts would be welcomed.

Second, the Road Committee is seeking to fill an opening due to the resignation of one of its members. The Committee advises and assists the Board in matters relating to the planning, construction, reconstruction, and maintenance of existing roads and roadway infrastructure. While no special background is required to serve on this committee, owners with backgrounds in engineering and/or road construction are encouraged to consider assisting the committee as we continue to move forward with seeking ways to developing and maintain this important infrastructure.

Finally, the Stagecoach Express is seeking individuals to assist with the collection and writing of articles for our quarterly newsletter.

If you have interest in any of the opportunities identified above or are seeking to become involved in another capacity, please contact the Stagecoach community Bryan Ayer at (970) 875-2810 or by email at BAyer@steamboatassociations.com.

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Current Board of Directors

Stagecoach's Governing Body

President

John Troka (Term-ends July 2016)
2890 Majestic View Dr, Timnath, CO 80547
jtroka@msn.com

Vice-President

Tom Rashid (Term-ends July 2017)
22524 Cheyenne Trail, Oak Creek, CO 80467
thomas.rashid@abreon.com

Treasurer

Bradley Church (Term-ends July 2018)
23580 Willow Island, Oak Creek, CO 80467
churchtheboat@gmail.com

Secretary

Barbara Houston (Term-ends July 2018)
23500 Sagebrush Circle, Oak Creek, CO 80467
bhouston@co.routt.co.us

Zed Ogle (Term-ends July 2018)
9981 Apache Spring Dr, Conifer, CO 80433
pamalaogle@aol.com

Art Fine (Term-ends July 2017)
3333 E Florida Ave #82, Denver, CO 80210
janetandartfine@comcast.com

Tom Watts (Term-ends July 2017)
1100 Alakea St, Ste 2400, Honolulu, HI 96813
tomwatts@hawaii.rr.com

John DiNicholas (Term-ends July 2016)
33225 Ramuda Trail, Oak Creek, CO 80467
johndinicholas@hotmail.com

Larry Wilson (Term-ends July 2016)
2413 Piedra Drive, Plano, TX 75023
larryinplano@gmail.com



The following information can be found
on the association's website:

www.Stage-Coach.com

Financial Statements

Meeting Minutes

Governing Documents

Committee Charters

Community/Common Area Documents

Additional Community Information

STAGECOACH PROPERTY OWNERS ASSOCIATION

Meeting of the Board of Directors
Resort Group Conference Room
Steamboat Springs, Colorado
January 23, 2016

Board Members Present: John Troka (President), Tom Rashid (Vice President), John DiNicholas, Zed Ogle, Barbara Houston, Bradley Church and Tom Watts.

Board Members present by teleconference: Art Fine and Larry Wilson.

Management Present: Bryan Ayer, Association Manager for Steamboat Association Management (SAM)

Owners Present: Sondra and Justin Spratta - Lot #83 Eagles Watch
Thomas Taylor – Lots 51/52 High Cross
Mary (Lauren) Dobell – Lots 53/54 High Cross

Guests Present: Jill Brabec – Attorney representing Zed and Pam Ogle and John DiNicholas.

John Troka called the meeting to order at 9:05 am.

With all Board Members attending, a quorum was present.

Approval of Board Meeting Minutes and Ratifications:

Approval of October 3, 2015 Board Meeting Minutes

Motion: Tom Rashid made a Motion to approve the minutes as written. Tom Watts seconded.
Motion passed without dissent.

Approval of November 9, 2015 Teleconference Board Meeting Minutes

Motion: John DiNicholas made a Motion to approve the minutes as written. Brad Church seconded.
Motion passed without dissent.

Member Comment:

There were no member comments at this time.

High Cross Covenant Amendment Proposal

The Board reviewed and discussed a proposed amendment to the High Cross Declaration of Covenants, Restrictions and Conditions. The proposed amendment was prepared and sent to the Association by attorney Jill Brabec, on behalf of her clients Zed and Pam Ogle and John DiNicholas, owners of property within the High Cross subdivision. The purpose of the amendment is to remove SPOA as the entity responsible for the administration and enforcement of the High Cross covenants. The amendment replaces all references to SPOA with the "High Cross Owners Association", an owners association to be formed and comprised solely of High Cross Subdivision owners. The High Cross covenants can be amended by "... an instrument signed by not less than fifty-one percent (51%) of the Owners..." With 65 lots in the High Cross subdivision, owners representing 34 lots would be required to sign (approve) the amendment.

The SPOA Board asked for it to be noted that the proposed amendment to the High Cross covenants is not a Board initiated action, but rather it is a High Cross owner initiated proposal.

There was discussion as to a potential conflict of interest on this matter as both Zed Ogle and John DiNicholas are members of the SPOA Board. Both members also own lots governed by SPOA which are outside of the High Cross subdivision. The Association's Conflict of Interest policy does not prohibit the directors from participating in the discussion and both directors have disclosed their ownership interest in High Cross. No action was taken at this time.

John DiNicholas spoke as to the reason behind the proposed amendment being the desire of owners within High Cross to be self-governed. He stated that they have reached out to all High Cross owners to present and discuss their proposal. He indicated many High Cross owners support the proposed amendment as evidenced by the letters of support they have provided to the Board. These letters are from owners of 25 lots within High Cross which is approximately 75% of the 34 lots needed. The SPOA Board also heard from High Cross owners attending the meeting who expressed reservations about the proposed amendment and were seeking additional information and understanding as to the potential impacts to them as High Cross property owners.

Jill Brabec, speaking on behalf of her clients, indicated that it was their desire to work closely with the Association and its Board on the amendment and the process so as to maintain a positive relationship with SPOA and to ensure that any vote on the proposed amendment is recognized by SPOA as a valid and binding vote.

Further discussion ensued with the focus being on SPOA's involvement in the amendment process. Specifically, should the Association proactively engage with the High Cross owners in presenting the proposed amendment to all High Cross owners for a vote, or should the Association be reactive and wait to respond until presented with an approved amendment (i.e., High Cross owner unilaterally pursue approval and present a document signed by owners representing at least 51% of the lots.). The Board

discussed the risks and benefits of both approaches including the need, but also the difficulty, in ensuring High Cross owners were presented with comprehensive information about the amendment and its impact on their property rights if they are separated from SPOA.

Given the discussion on possible adverse impacts to the property rights of High Cross owners, Tom Watts questioned whether the amendment as proposed is allowed per the existing High Cross covenants. Specifically he cited Article X, item 6 of the High Cross covenants which states “No part of the Declaration may be amended in such a manner that it will adversely affect the existing rights of any Owner...”

MOTION: John Troka made a motion for SPOA to seek legal counsel on the proposed amendment to the High Cross covenants to determine if it complies with the requirements of the existing High Cross covenants and governing law for the amendment of the covenants. John DiNicholas seconded.

Motion passed. Dissenting: Art Fine, Tom Watts, and Larry Wilson. Abstaining: Brad Church

MOTION: John Troka made a motion for SPOA to seek legal counsel as to potential adverse impacts on the property rights of all other SPOA property owners from the proposed High Cross covenant amendment. The amount of legal expense not to exceed \$2,000. Tom Watts seconded.

Motion passed. Abstaining: John DiNicholas

No further discussion or action taken on this matter pending feedback from SPOA legal counsel.

Community Manager’s Report:

General Business Summary: Bryan Ayer of Steamboat Association management provided an update on Association business matters. The majority of work for the quarter revolved around the mailing of the 2016 Annual billing and the phone calls, emails and follow up to bad addresses in regards to the mailing. There was also time spent on communication with the ownership concerning the Amendment to the SPOA Declarations through email, mailing of letters and the website. The communication with High Cross owners concerning the Amendment to their document through email and letters was also an important part of this quarter.

Other business items included the purchase and installation of mailboxes in Meadowgreen and Morningside and the purchase and installation of signage throughout the SPOA area. The cross country trail has been up and running and Bryan is keeping a spreadsheet of the days it is groomed. A box was installed on the sign at the cross country trails with maps for users.

The Oak Creek Post Office recently contacted the Association regarding the need for an additional parcel cluster box at Ute Trail in Morningside.

MOTION: Tom Watts motioned to allow the manager to spend up to \$1,175 plus installation costs of project/reserve funds for an additional package cluster box for Ute Trail in Morningside. Zed Ogle seconded.

Motion passed without dissent.

Bryan Ayer then presented a real estate summary from an email from a local realtor. The summary stated that there are a total of 88 active listings with an average of just under 2 sales per month.

MOTION: John DiNicholas made a motion to waive newsletter advertising fees for real estate agents that compile data and write an article about the current real estate market for the SPOA newsletter. Tom Watts seconded.

Motion passed without dissent.

ACC/CCR/Rules: As it is winter, there are not as many applications before. Bryan Ayer highlighted some of the ongoing projects and the most recent request for a shed.

Accounts Receivable/Collections: The preliminary A/R balance for December 31, 2015 was \$180,503. The balance includes approximately \$136,000 from the 2016 annual assessments billed in December 2015 and due on January 1, 2016. The A/R balance includes \$42,411 for accounts which are past due more than 90 days. The Association continues to work closely with SAM to collect monies owed on significantly overdue accounts and has recently received payments from members on both the lien and foreclosure lists.

Treasurer's Report:

Brad Church presented the **preliminary** 2015 financial statements as of December 31, 2015. The Association is still in the process of completing the accounting close for the 2015 fiscal year. The preliminary financial results for the 2015 fiscal year reflect:

Total Cash at the end of December was \$367,471 of which \$157,664 is in restricted road funds for Horseback, Morningside and South Shore.

Accounts payable at the end of December were \$3,043

Operating income for the 2015 fiscal year was \$118,112. This amount reflects net operating assessments of \$110,456 and other income (i.e., late fees, fines, etc.) of \$7,656.

Operating expenses for the same period totaled \$86,978. These expenses include such items as management fees, professional services, such as accounting and legal expenses, meeting and member communication costs, utilities and maintenance for the Coyote Run playground and grooming costs of the Nordic Trail. As of December 31, 2015 total operating expense was approximately 87% of the total annual budget and the Association has a primary YTD operating surplus (operating income minus operating expenses) of \$31,134.

Project/Reserve income and expenses reflect \$58,068 in general project/reserve fund income from annual assessments and interest in 2015. Project/reserve spending was \$19,601. Project/reserve expenses reflect spending on approved projects including road maintenance, community signage, common area improvements, and legal expenses associated with maintenance and enforcement of our governing documents. The net surplus of the project/reserve fund at the end of December was \$38,467.

Restricted Funds income and expenses for 2015 reflect \$1,047 in interest income on funds held. There were restricted fund expenses in 2015.

Reports from the Association's accounting system were presented showing that a financial sub-ledger for High Cross has been established. The Association is now able to produce the consolidated financial statements for the Association as well for the High Cross subdivision. Income and expenditures that are specific to High Cross will be coded to the High Cross sub-ledger. In addition, shared association costs will be allocated on a pro-rata basis (65 lots/2300 lots) to the High Cross sub-ledger.

Road Committee Report:

The Road Committee is currently made up of 4 Members: John Troka, John DiNicholas, Robert Skorkowsky and Sarah Woodmansee. Corky Fisher has resigned from the Committee.

The Road Committee has met two times so far and has a goal of meeting every 2 months. The first meeting was an introduction to the history behind SPOA roads and current issues. At the second meeting they identified the following goals they are working toward:

- Draft policies for road construction
- Create a road infrastructure database with an outcome that may be similar to that of the county road inventory. The database will be used to identify and classify road segments and road infrastructure as well as track construction and maintenance history. This information will be used to forecast future maintenance/replacement requirements.
- Focus on how the newly passed amendment could work to help build roads with a possible focus on the Halter and Shay Way areas as test cases as there has been past research done in this area. The first step would be to do a survey of the owners of a specific area to see if they would be interested in pursuing a project.

MOTION: Tom Watts made a motion to allocate \$100 for a survey of members interested in building a road within the areas served by Halter Way and Shay Way. The specific groups of lots to be surveyed are to be determined by the Road Committee. Art Fine seconded.

The Motion passed without dissent.

Old Business

2013 Covenant Amendment: John Troka spoke to the recent court approval of the amendment to the Association's covenants (*Note: This amendment does not affect the High Cross covenants*). On December 11, 2015, the Routt County District Court heard the Association's petition to amend its covenants. The Court, having reviewed the petition and supporting documents and ensuring the Association met all legal requirements, approved the petition. The amendment allows smaller groups of property owners to work with SPOA to levy special assessments against only those lots specifically benefitting from a capital improvement project.

Note: Art Fine left the meeting at 1:00pm. With eight of nine board members still in attendance, a quorum was maintained.

Scrafford Arbitration There was a face to face meeting with Mr. Scrafford, John Troka, John DiNicholas and Bryan Ayer on December 11th. The Association presented Mr. Scrafford with a draft agreement for his review. The agreement, when finalized, will include specific agreed upon actions to be taken to clean/organize his lot. At the time of the meeting, the snow cover prohibited a meeting at his property to identify the specific actions to be completed. As spring approaches, Mr. Scrafford will be contacted again and a meeting will be arranged to finalize the agreement. It was noted that Mr. Scrafford has paid all past due assessments and associated late fees on his property.

Acquisition of Multi-Purpose Tractor: Brad Church gave a presentation that summarized possible scenarios of costs, potential usage and challenges and solutions concerning the acquisition. There was discussion regarding whether to pursue the purchase of the tractor or continue to utilize subcontractors for activities which would be performed with the tractor.

MOTION: Tom Watts made a motion to acquire a John Deer Tractor and the appropriate implements. The acquisition amount is not to exceed \$100,000. Zed Ogle seconded the motion.

Motion failed. Dissenting: Brad Church, Barb Houston, Tom Rashid, John Troka, and Larry Wilson

It was determined additional member feedback on the possible acquisition of a multi-purpose tractor would be helpful. Brad Church will make a similar presentation at the Annual Meeting in July and at that time members will be surveyed to determine the level of support for the acquisition of the tractor.

New Business:

Funding Requests: There were three (3) funding requests for review. These requests were from High Cross, Wagonwheel and Doug and Deb Waggoner.

1) Request for funds to pushback excess accumulated snow along roads accessing High Cross for safety reasons. Per Article IV section 2 of the High Cross Declaration, SPOA is responsible for removal of snow from all common area roads in High Cross. The cost of this activity to be paid for by the High Cross owners via funds collected through the annual assessment process. There was discussion concerning the access to High Cross from RCR 16 and the benefit of the snow pushback to members along portions of Filly Trail and King Bolt Trail in Black Horse I and Overland.

MOTION: Tom Watts made a motion to allocate \$750 to plow from the farthest occupied residence in High Cross out to county Road 16 with the amount being paid from High Cross funds. Brad Church seconded.

Motion failed. Dissenting: Zed Ogle, John DiNicholas, Tom Rashid, and John Troka. Abstaining: Barbara Houston.

MOTION: John DiNicholas made a motion to push back excess accumulated snow from the farthest occupied residence in High Cross out to county Road 16 with High Cross paying 75% and SPOA paying 25% up to a maximum of \$1,000 for the project. The Motion was seconded by Zed Ogle.

Motion passed without dissent.

2) Request from Wagonwheel Condominiums Owner's Association to share the cost of completed storage area fence project. In October 2012 the SPOA Board approved \$2,500 for this project. The project was not completed in a timely manner due to lack of funds and SPOA rescinded its prior funding approval in April 2013. The project was completed by the Wagonwheel owner's association in the summer of 2015 and they have requested reinstatement of the previously approved \$2,500.

MOTION: Tom Watts made a motion to approve an amount of \$1,500 towards the project. There was no second.

MOTION: John DiNicholas made a motion to approve an amount of \$2,000 towards the completed fence project for Wagonwheel. Tom Watts seconded.

Motion passed without dissent.

3) Request from Doug and Deb Waggoner for financial assistance for the completed road extension of Filly Trail from the intersection of Filly Trail and Palamino Way to Lot 8 of Blackhorse II. While the road exceeds the required single driveway standard, it does not meet all of the Routt County standards for a common road. The Waggoners provided an original cost estimate of \$13,100 for the work to be

performed. They did not request a specific amount to be reimbursed but rather requested any amount of assistance the Board deemed appropriate.

There was no motion at this time and John Troka said that the Road Committee will look at this request in consideration of how many lots it serves and then make a recommendation to the SPOA board.

Newsletter: The Board would like the next Newsletter published by the end of February. To accomplish this, all articles for the newsletter need to be submitted to Bryan Ayer by Feb 7th.

Next board Meeting:

The Next Board meeting is scheduled for Saturday May 14th. Bryan Ayer will attempt to schedule the Oak Creek Community Center for the meeting.

The Meeting was adjourned at 3:25 PM

APPLICATION FOR ABSENTEE BALLOT

C.R.S.1-13.5-1001, et seq

IMPORTANT!

- Application must be filed by close of business, Friday, April 29, 2016.
- Absentee ballot must be received by Election Judge or DEO by 7:00PM on election day, May 3, 2016, to be counted.

To the Designated Election Official of Morrison Creek Metropolitan Water & Sanitation District

I, _____, am requesting an absentee ballot on behalf

of (select one):

☐ **myself**, whose birth year is: _____ or

☐ _____, a family member related by blood, marriage,
(enter name)
civil union, or adoption to the applicant, whose birth year is: _____

who is an eligible elector of the Morrison Creek Metropolitan Water & Sanitation District,
State of Colorado, eligible by virtue of:

☐ Being a resident of the district, with an elector **residence** address of:


(address) (City), (Zip) (County), CO
or

☐ Ownership (or spouse or civil union partner) of the taxable real or
personal property (described below) situated within the boundaries of the
District, or a person who is obligated to pay taxes under a contract to
purchase taxable property within the District

Physical Address or description of property: _____

(address or Lot # & Subdivision)

(City), (Zip) (County), CO

☐  Check box if elector wishes to be on District's **permanent absentee voter** list.
Applicant will receive an absentee ballot for every election conducted by the District if
checked.

Mail elector's absentee ballot to this address: _____

(address)

(city, state, zip)

I am applying for an absentee ballot for use by me or the person noted above per §1-13.5-1002(1)(a)(II)
in voting at the district's regular election to be held on the 3rd day of May, 2016.

(*signature)

(date)

*In case of elector's inability to sign her/his name, the elector's mark shall be witnessed by another person

APPLICATION FOR ABSENTEE BALLOT

C.R.S.1-13.5-1001, et seq

IMPORTANT!

- Application must be filed by close of business, Friday, April 29, 2016.
- Absentee ballot must be received by Election Judge or DEO by 7:00PM on election day, May 3, 2016, to be counted.

To the Designated Election Official of Oak Creek Fire Protection District

I, _____, am requesting an absentee ballot on behalf
of (select one): ☐ **myself**, whose birth year is: _____ or

☐ _____, a family member related by blood, marriage,
(enter name)
civil union, or adoption to the applicant, whose birth year is: _____

who is an eligible elector of the Oak Creek Fire Protection District,
State of Colorado, eligible by virtue of:

☐ Being a resident of the district, with an elector **residence** address of:


(address) (City), (Zip) (County), CO

or

☐ Ownership (or spouse or civil union partner) of the taxable real or
personal property (described below) situated within the boundaries of the
District, or a person who is obligated to pay taxes under a contract to
purchase taxable property within the District

Physical Address or description of property: _____
(address or Lot # & Subdivision)

(City), (Zip) (County), CO

☐  Check box if elector wishes to be on District's **permanent absentee voter** list.
Applicant will receive an absentee ballot for every election conducted by the District if
checked.

Mail elector's absentee ballot to this address: _____
(address)

(city, state, zip)

I am applying for an absentee ballot for use by me or the person noted above per §1-13.5-1002(1)(a)(II)
in voting at the district's regular election to be held on the 3rd day of May, 2016.

(*signature)

(date)

*In case of elector's inability to sign her/his name, the elector's mark shall be witnessed by another person