

# Stagecoach Express

## In the News



### Settlement of the "Re-subdivision"

#### Lawsuit By Steve Watwood President, SPOA

In September 1999, Mr. Brown Thompson started legal action against Mr. and Mrs. Kenneth Burgess alleging violation of the Declaration for Stagecoach. Mr. And Mrs. Burgess had filed a replat with Routt County, to combine their two contiguous lots in Skyhitch into one 5+ acre lot. Mr. Thompson alleged that the replat was a "re-subdivision". A section of the Declaration of Stagecoach requires any re-subdivision to be brought to the Board for approval.

In the spring of 2000 your Board of Directors

sent out a questionnaire to ask you, the members of the Home Owners Association, your feelings and wishes on the "lot consolidation issue". Many of you were against "lot consolidation" totally, very few of the responses were for "lot consolidation", but the majority of the people answering favored the "lot consolidation" issue with some restrictions. In July 2000, at the annual meeting, the members voted to allow "lot consolidation" with very specific conditions to protect the property owners rights. Finally this winter,

the "lawsuit" was settled.

I have had several e-mails and heard rumors about the settlement that are just not the truth and would lead you to believe that your Board of Directors were not thorough in their handling of the legal matter. I was present in all of the settlement negotiations and I am here to tell you that Mike Holoran, SPOA's attorney, and your Board, followed the directions you gave us at last summer's annual meeting, in orches-

trating a settlement to this case. The settlement was everything SPOA could have hoped for and did set a precedence for all future "lot consolidations".

Now for the Details! Mr. Thompson, in a private fund raising campaign, asked some home owners to participate in funding his actions against Mr. & Mrs. Burgess. In the process of a lawsuit, discovery  
(Settlement.., Continued on page 2)

Stagecoach Property Owners Associations  
P.O. Box 774845  
Steamboat Springs, CO 80477  
Toll Free 1(800) 862-0606

#### New Assignments for Subdivisions

<u>Subdivision</u>	<u>Board Member</u>
Black Horse 1	Steve Watwood
Black Horse 2	Steve Watwood
Eagleswatch	Mark Dernay
High Cross	Greg Hermann
Horseback	Chris Wittemyer
Meadowgreen	Mark Dernay
Morningside	Al Saterdal
Overland	Greg Hermann
Sky Hitch	Norman Dunn
Sky Hitch 2	Ellen Westbrook
Sky Hitch 3	Norm Sothan
Sky Hitch 4	Norman Dunn
South Shore	Chris Zuschlag
South Station 1	Ellen Westbrook
South Station 2	Steve Watwood

#### Routt County Commissioners

Dan Ellison (R)  
Nancy Stahoviak (R)  
Doug Monger (D)

P.O. Box 773598  
Steamboat Springs, CO 80477  
970/879-0108



*(Settlement..., Continued from page 1)*

(details and facts) are asked for by both sides. The Burgess's attorney asked Mr. Thompson for his details and facts (discovery). **Mr. Thompson failed to respond**, thus almost guaranteeing the success of Mr. and Mrs. Burgess. At this point, with legal advise, the SPOA filed a claim against Mr. & Mrs. Burgess asking for enforcement of the Declaration, which prohibits re-subdivision without the consent of the Declarant Association.

In trying to save the Association expenses, SOPA entered into volunteer settlement hearings with the Burgesses. The Burgesses and SPOA, with their attorneys, reached a tentative

settlement., only to have Mr. Thompson throw a "monkey wrench" into the whole thing. Mr. Thompson demanded from the Association (a party to whom he had taken no action) a cash payment of \$3,000 evolving to \$10,000, two seats on the Board of Directors, and other "non-lawsuit" related actions.

In a special board meeting of SPOA, the settlement options for the Burgess/Thompson settlement position were **confidentially discussed** and finally agreed upon. In reaction to Mr. Thompson's demands, all but one member of the Board (Greg Hermann) agreed with SPOA's legal advice: "Mr. Thompson's demands were not relevant to the lawsuit, most were not even possible

and should not be part of this lawsuit's settlement-consideration." It is my personal feeling that positions discussed during that meeting should not have been shared with Mr. Thompson

In a mediation hearing, mandated by the court, Mr. Thompson failed to show up. In his place Greg Hermann, your elected Board member, showed up with a power of attorney to support Mr. Thompson's position, a position in opposition to SPOA's. The mediation was continued until the following Friday, when Mr. Thompson did show up.

Friday's court mandated Mediation Hearing saw all parties participating, SPOA, Mr. & Mrs. Burgess, Mr. Thompson with Greg Hermann at his

side, all respective attorneys and the judge. Settlement was finally reached and papers signed at 6:00 PM that night.

The actions taken by your Board in this case rescued the "dying effort" of Mr. Thompson to enforce your Covenants. The actions also saved your Association "tens of thousands of dollars" to achieve every position we could have hoped for in a trial.

The settlement manner of this case sets forth a procedure, through precedence, that requires all future "lot consolidations" be approved by the Board of Directors and agree with the conditions, you set forth, to protect your property rights.

## Message from the President

By Steve Watwood

I have been a member of your Board of Directors for almost 11 years. When I first came on the Board most people could not even build on their lots. There were some procedures in place to allow construction, vault agreements, well agreements, road agreements, but they had never been used. As a homebuilder, I personally chose to build on a beautiful remote lot in Horseback. The approval procedures previously set up proved to be quite a challenge, for me, a first time user. In most cases it took my personal

legal counsel to work with the County Attorney and County Commissioners to fine tune and in some cases re-write the previous procedures. In the end, I feel that I helped lay the groundwork for the remote construction we have today.

The point that I wish to make is that it takes a lot of time and effort to create the positive things that increase the value of your investments at Stagecoach. In my term as your President and Board Member, I can think of at least four occasions when I and other

members of your Board were in Planning Commission meetings that approached or went past the midnight hour. We were there to protect your property rights and to protect your investments at Stagecoach.

For the last two and one half years I and your Board have been on a full time program of answering false accusations which resulted in thousands of e-mails that were misleading and had to be answered, and legally defending ourselves and your property owners position against **needless actions**. I agree that communication, as it has been in the past, is not sufficient in today's activity at Stagecoach. The current

Board has addressed the communication issue and has made changes to better communicate with it's members.

It is my opinion that Mr. Brown Thompson and Greg Hermann have cost the Association tens of thousands of dollars in needless legal expenses, most of which could have been handled with Association and By-Law procedures that most people follow every day when dealing with associations. Never, in the 30-year history of your Home Owners Association, have there been as much time and money wasted because two individuals chose not to fol-

*(Message..., Continued on page 3)*



### Message ...

*Continued from page 2)*

wasted because two individuals chose not to follow the by-laws and procedures drafted to run the Association.

All of the money comes out of your pockets by way of using up your dues. Probably the biggest negative to come out of all of this is that the time wasted defending your Association's By-law and Covenants, left no time for any positive actions that were needed to continue to move Stagecoach forward.

Things at Stagecoach have never been more positive. The Sewer and Water District is out of bankruptcy and ready to move forward. For the first time here is adequate electric power available in RCR 16 thru the seven mile length of Stagecoach. We have an Advisory Development Plan from the county that takes nothing away and gives only more options to the property owner. Finally, we now have procedures in place allowing people to install septic systems on consolidated lots, **if they choose.**

Today, anyone can build

on any lot in Stagecoach if they wish to do so (different from when I was first elected to your Board.) It may cost some money but it is possible. A vault, solar electric and a well in most cases will be needed for the remote lots. Roads improved to reasonable county standards will need to be provided by owners wishing to build. Reserve funds held by the SPOA can provide assistance.

Today your Board is diligently investigating possible financing for sewer and water line extensions, roads and power line extension. It is my feeling that the sewer and water effort is ultimately the responsibility of owner groups working with the Water and Sewer District, but we can sure help them with their homework.

Let's spend your money in a positive direction and move Stagecoach forward so that owners can have a choice of reasonable options for use of their investments.

Following is a reprint of a letter to Steve Watwood, President of Stagecoach Property Owners Association from Mike Holloran, the Association's Attorney.

### Summary of Thompson v. Burgess Litigation and Settlement

You have asked me to summarize, for the Board of Directors, the history of the Thompson v. Burgess v. SPOA litigation for purposes of ease of

future review and explanation to your members.

On October 7, 1999, Mr. Thompson sued Ken and Renata Burgess alleging violation of the

## Forest Service Meeting

By Sandy Schwindy, CTC -  
Eagleswatch Subdivision

I recently attended the informational meeting the U.S. Forest Service hosted at the Oak Creek Community Center on February 8<sup>th</sup>. The purpose of the get-together was to inform the public about some prescribed burns under consideration in their upcoming 5-year plan. At the moment, the plan is to begin the burns in the Spring of 2002. The officers also answered numerous questions from concerned homeowners.

One of the burns will have an effect on the Stagecoach community and is located about 1-2 miles south of the Eagleswatch subdivision. At least one structure in the Stagecoach area (not Eagleswatch) is immediately adjacent to the planned burn.

This meeting proved to be highly educational and I came away with a better knowledge of the Forest Service programs. After speaking with a number of officers, I came to the conclusion that all Stagecoach homeowners should attend another session that will deal strictly with our concerns. This meeting will be held sometime this summer, perhaps around the same time as the general meeting. More information will follow.

In the meantime, if you should have any questions or concerns, please don't hesitate to give me a call at 970/736-0836. It is my intent to obtain names and phone numbers of all owners in order to implement a phone tree so we can all be informed *before* a burn is to begin.

Declaration for Stagecoach because the Burgess's had filed a replat with Routt County of their two lots, combining the two lots into one lot consisting of a minimum of five acres. Mr. Thompson alleged, generally, that the replat was a "resubdivision" under the Declaration and required the approval of the Declarant-Association. Mr. And Mrs. Burgess then sued SPOA, alleging, generally, THAT THE Association had already

approved the "resubdivision" by not acting on a request for approval and also alleged that SPOA approval was not required because the Burgess replat was not a "resubdivision" under the Declaration.

In the fall of 2000, after annual meeting in July when the Members indicated that they were receptive to resubdivision if certain conditions were met and after it was be-

*(Summary...*

*Continued on page 4)*



*(Summary....Continued from page 3)*

coming painfully clear that Mr. Thompson's attempt to enforce the Declaration was dying slowly because of his failure to answer discovery, SPOA filed it's claim against the Burgesses asking for enforcement of the Declaration which prohibits re-subdivision with the consent of the Declarant-Association.

In an effort to settle the pending litigation and save expenses for SPOA,

representatives of the Board met with Mr. & Mrs. Burgess and their attorney. We were able to resolve all of the issues with the exception of Mr. Brown's claims. He would not settle his claims unless he was paid monies, was given two seats on the Board of Directors and had the Board schedule his resolutions for vote at the annual meeting. The Board rejected Mr. Thompson's demands.

Mediation was man-

dated by the Court and took place on a Monday and continued on the next Friday. On Friday, all parties and their attorneys were present and participated in mediation until approximately 6:00 p.m. At the end of the mediations, the parties signed Settlement documents and letter agreements.

The format for the settlement was as follows:

1. Mr. Thompson dismissed his lawsuit against Mr. And Mrs. Burgess in exchange

for the payment to him of \$1500.

2. Mr. & Mrs. Burgess dismissed all of their claims against the Association and agreed with the Association to comply with the conditions for approval of "resubdivision" outlined at the Member's meeting in July, 2000.

The Association purchased the electric company's agreement to reimbursement the Bur-

*(Summary....*

*Continued on page 12)*

## **AMENDMENT TO BYLAWS FOR STAGECOACH PROPERTY OWNERS ASSOCIATION BY ADDING ARTICLE XIV, TITLED RE-SUBDIVISION PROCEDURES**

The following Article XIV is hereby added to the Bylaws of the Stagecoach Property Owners Association.

### **ARTICLE XIV PROCEDURES FOR PROCESSING RE-SUBDIVISION REQUESTS AT STAGECOACH SUBDIVISION, ROUTT COUNTY, COLORADO**

Section 1. Any member-owner desiring to subdivide or re-subdivide any tract or combination of tracts as shown on the plat for Stagecoach ("Re-subdividing Owner") must follow the procedures set forth below:

1. The Re-subdividing Owner must submit a letter to the President of the Association at P.O. Box 774845, Steamboat Springs, CO 80477 requesting approval from the Board of Directors for re-subdivision, processing fees in a reasonable amount and the following documents:
  - a. Legal description of the lots prior to re-subdivision and the proposed legal description after re-subdivision.
  - b. Name of the owners of the Lots as shown on the recorded conveyance deed.
  - c. Recorded documents showing the ownership of the lots and the accurate legal description for the lots and the right of the applicant to apply for re-subdivision approval, i.e. contract to purchase if applicant is not the owner of the lot(s).
  - d. A site plan showing the old and new lot lines for the lots.
  - e. A site plan showing all improvements located on or to be located on the re-subdivided lots.
  - f. A site plan showing all easements located on or to be located on the re-subdivided lots.
  - g. A topographical map of the property at a scale of 1A equals 10 feet with contours and elevations marked on the map.
  - h. List of utility companies whose easements will be vacated. The consents of utility companies whose easements are to be vacated.
  - i. An agreement, executed by the member-owner, in the form attached to this Procedure.

Section 2. The Board of Directors will approve or deny, with reasons for approval or denial, any application at its next regular Board meeting, if the application, complete with all documents, items and monies required above, is submitted at least 30 days prior to such regular Board meeting. The action of the Board, including the reasons, will be promptly communicated to the Re-subdividing owner.



## AGREEMENT

This agreement is made this      day of      , 200\_ and is between the Stagecoach Property Owner's Association (the "Association") and \_\_\_\_\_ (the "Owner").

## RECITALS

1. Owner is the owner of \_\_\_\_\_ and desires to combine or re-subdivide lots located at the Stagecoach Subdivision in Routt County, Colorado.
2. The Declaration for \_\_\_\_\_ subdivision at Stagecoach requires that an owner receive the approval of the Association as part of any combination-resubdivision process.
3. The Association, through its Board of Directors, has reviewed the Owner's request for approval of his resubdivision-consolidation and has approved the re-subdivision-consolidation in accordance with his proposal furnished to the Board of Directors and subject to the agreement of the Owner with the terms and conditions set forth below:

The undersigned Owner(s) agrees as follows:

- (1) The Association is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Stagecoach recorded at file No. 7073, on December 7, 1971 ("The Declaration").
- (2) The Owner agrees that the Association has the right, under Article VI, 1 Section a. of the Declaration, to enforce, by any proceeding of law or in equity, all restrictions, conditions, covenants, reservation, liens and charges now or hereafter imposed by the provisions of this Declaration.
- (3) Owner is the owner of \_\_\_\_\_ Routt County, Colorado (the "Lots").
- (4) The Lots are governed and restricted by the Declaration of Covenants, Conditions and Restrictions for Stagecoach (the "Declaration") and the Plats for Stagecoach.
- (5) The consolidation-resubdivision proposed by Owner constitutes a resubdivision under Article V, Section B of the Declaration.
- (6) The Owner shall continue to be Class A Members of the Association, so long as they own Lots in Stagecoach.
- (7) The Owner agrees that the business and affairs of the Association, in accordance with C.R.S. '7-128-101, shall be managed by the Board of Directors and all corporate powers, including but not limited to, the power to approve resubdivision requests, shall be exercised by or under the authority of the Board of Directors of the Association.
- (8) Owner, after the approval of the Association, of his resubdivision-consolidation shall continue to be bound by the Declaration, Articles of Incorporation for the Stagecoach Property Owners Association, and the Bylaws for the Stagecoach Property Owners Association.
- (9) Regardless of the approval of the resubdivision-consolidation, Owner shall be treated under the Declaration, Bylaws and Articles as if they continued to own \_\_\_\_\_ lots in Stagecoach. resubdivision-consolidation. By illustration and not by limitation, an owner, if combining two lots, shall, pay all fees required under the Declaration, Bylaws and Articles for two lots and shall enjoy the voting permitted for two lots as a Class A Member.
- (10) Owner agrees to join or be annexed into any validly formed and legally existing public entity formed to supply water and/or sewer and/or construct roads to the lots at \_\_\_\_\_ at Stagecoach. After said entity has held any required TABOR elections and/or committed itself to debt, the entity may encumber the Owner's lots with the terms and conditions of any such debt on an equitable basis.

(Continued on page 6)

(Continued from page 5)

(11) Owner and the Association agree that this Agreement shall be binding upon the heirs, successors and representatives of the parties and shall constitute a covenant binding upon all present and future owners of the lots formerly described as \_\_\_\_\_ at Stagecoach, Routt County, Colorado and the lots that will in the future be described as \_\_\_\_\_ at Stagecoach, Routt County, Colorado.

(12) The substantially prevailing party in any dispute arising under this Agreement shall be entitled to recover all reasonable and necessary attorney fees or costs incurred in such dispute.

Stagecoach Property Owners Association:

Owner:

STATE OF COLORADO )

) ss.

County of Routt )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200 by \_\_\_\_\_, as President, and \_\_\_\_\_ as Secretary of Stagecoach Property Owner=s Association.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

STATE OF COLORADO )

) ss.

County of Routt )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200 by \_\_\_\_\_, Owner.

WITNESS my hand and official seal.

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:



# Roads at Stagecoach

By Ellen Westbrook

Good News is that there is some progress for those of us who have lots in the southern part of Stagecoach. **The rest of the story is that PROGRESS WILL NOT HAPPEN, UNLESS individuals in individual subdivisions step forward to organize and oversee improvements for their roads.**

A start has been made! Two years ago, we got road signs in Shyhitch I and II, this year one half a mile of Whiffletree Trail will be graveled by early summer, with funds from the SPOA Subdivision Reserves. The road improvement will go directly past Shyhitch I: lots 25, 26, 33, 34, 41, 42, 62, 63, 90, 91, 92 and 93. The road goes directly past Shyhitch II, lot 145. Owners of lots on Silver Bit Trail, which is a cul-de-sac de sac off Whiffletree Trail (Shyhitch I, lots, 27, 28, 29, 30, 31, and 32) should talk to each other, it wouldn't take much to improve your road. Those who have lots down Shay Way (Shyhitch I, lots 35, 36, 37, 38, 39 and 40) should look into improving their road, as it will intersect with the improved part of Whiffletree Trail. (see map) Those of you who own lots in Skyhitch II are indirect beneficiaries of the improved portion of

Whiffletree Trail. I will be contacting those in Shyhitch II, to ask for support to continue the improvements for another 2 miles of Whiffletree Trail.

The roads need to be improved for many reasons:

1) If you want to build, you have to improve the roads **FIRST**, before a building permit will be issued.

2) Access to your property for safety reasons, (fire, ambulance, etc.)

3) Access for sanitation purposes: for either pumping a vault (holding tank) or cleaning out a septic system.

## **Steps to take:**

1) **Find the road-bed.** All of us have driven to our places one way or another over the years, but you need to make sure that you are really on the road that was platted almost 30 years ago. You can have the road surveyed or you can enjoy the beauty that is Stagecoach and look for your marker pins yourself. There is a 40-foot right of way on most of the roads. Mark the stakes with a flag so you can see them! You might need a metal detector to find some of them. The ones in my area are a piece of rebar with a plastic yellow cap on top.

2) **Talk to Morri-**

**son Creek Metropolitan Water and Sanitation District (MCMW&SD).**

You can reach them at 1-800-862-0606, leave a message with Donna. Because MCMW&SD is responsible for monitoring sewage disposal in the district those of you trying for a vault permit have to abide by the road guidelines set up in the agreement that MCMW&SD made with Routt County many years ago. The gravel must be 15 feet wide and 8 inches deep. Those trying to put in septic systems, will also need to have the road improved before a building permit will be issued.

3) **Get out your map of the subdivision.** If you don't have a map contact SPOA at 1-800-862-0606 or contact your SPOA Board subdivision representative. They may be aware of others interested in road improvements, (Board Members and their subdivision assignments are listed on page 1 of this newsletter). You want to identify all the lots along the way that will benefit directly or indirectly from the road. Request a list of owner's name to go with the lot numbers that you are trying to improve from Stetson's (SPOA accountants who have and can sort current Lot Owner lists), (970) 272-

3056, or just ask for a whole subdivisions. Canvass the owners to see if any one would be willing to contribute money or any other kind of support to complete the road. This will take a sales job! Any road improvement will increase land values, which might be of interest for those who do not plan on building.

4) **Get some bids on what it will take to:**

A. Clear

B. Grade

C. Gravel the road 15= wide x 8@ deep. (Fifteen feet is only 1/2 of the road, plan on graveling from the ditch to the middle of the road.)

5) **Talk to the Routt County Roads and Bridges Department (970) 879-0831.** They will come out to look at the part of the road that will be improved and ask questions. The county would like to see you gravel 18 ft. of road. You will need a permit. The county has waived the permit fee, since they are not paying for the road.

6) **There are people who might be interested in clearing the trees from the road.** Chris Zuschlag removes specimen trees and there are others who can use trees to make furniture, etc. Make sure they have county and SPOA per-

*(Roads..,*

*Continued on page 9)*



# The Importance of Rising Property Values at Stagecoach

By Al Saterdal,

SPOA Board member for fourteen years

The most important measure of progress at Stagecoach is seen by examining the overall increase in property values. As these values grow financing of improvements and housing becomes easier as most loans are directly tied to appraised values. These values are reflected in published information distributed by the Assessor's office. The period 1990 to 1998 is particularly noteworthy because it shows abnormally high rates of growth at Stagecoach. The Assessor shows "assessed" values which for undeveloped lots (most of Stagecoach) are 20% of appraised (market) values. (See table)

We have seen values increase at Stagecoach at a rate greater than at any other area in Routt County. The most apparent single reason for this unique growth is the construction of the new power transmission line and associated substation at the northwest corner of Stagecoach at a cost of \$3,000,000, paid for by Yampa Valley Electric. This accomplishment is the direct result of numerous meetings between the Boards of SPOA and the Yampa Valley Electric Association. It in-

cluded many public hearings and approval of the Routt County Commissioners. Negotiations commenced in 1993 and construction was completed in 1997.

The Stagecoach substation has made possible for the first time the extension of adequate power through the entire seven mile length of Stagecoach along RCRoad 16. This extension was entirely paid for with SPOA funds. Prior to this extension power was severely restricted to lots crossed by the existing line. Additional costs will still be required to deliver power to individual lots but at least this is

now possible.

Healthy growth in values has also been supported by the policies and rules established and enforced by the SPOA Board so that an attractive environment for investment has been maintained. In the "Conclusions" to the Stagecoach Community Plan document prepared by highly qualified planners not previously familiar with Stagecoach the role of strong organizations (such as the SPOA and the Morrison Creek District) are acknowledged. "Although the bankruptcies of Woodmoor and the Morrison Creek District have cre-

ated significant challenges over the past 25 years, the Stagecoach area still retains it's stunning beauty, it's unique combination of potential recreational opportunities, and the organizations necessary to make it a success."

In my fourteen years of close association with the two Stagecoach organizations referred to above there have been a number of unusually dedicated and qualified leaders who collectively have been largely responsible for the successful accomplishments we see today at Stagecoach. This special list includes SPOA

(*Rising Property...*)

(Continued on page 11)

## Changes in assessed values in Routt County 1990-1998 and Total Assessed Value 2000

<u>Area</u>	<u>Assessed Valuation</u>		<u>Total assessed Value 2000</u>	
	<i>% Change 1990-1998</i>	<i>Ranks</i>	<i>Dollars</i>	<i>Rank</i>
Stagecoach	205%	1	8,173,230	3
Oak Creek	136%	2	4,743,060	4
Yampa	132%	3	2,668,150	5
Hayden	109%	4	9,812,200	2
Steamboat Springs	73%	5	282,024,950	1



*(Roads in Stagecoach  
Continued from page 7)*  
mission.

7) **Come to an SPOA Board meeting and present your proposal.** SPOA would like to see you raising funds from the Lot Owners as well as asking for money from the SPOA Subdivision Reserves.

8) When you get your funds together, **make sure you have your road permit from the Routt County Roads and Bridges Depart-**

**ment and call them to let them know when construction will begin and when it is finished (970) 879-0831.**

9) **You may begin.**

10) **Call :** MCMW&SD: (970) 736-8250, and the SPOA Office Manager at 1 800-862-0606, (they are in the same office), when the road is complete. MCMW&SD will inspect the road and inform the SPOA Board of the results.

## **SPOA Financial Short Fall**

By Chris Zuschlag

SPOA is running out of money. The legal actions that have been forced upon SPOA have caused a financial situation that might affect how the dues are allocated. As the dues allocation system presently stands the \$37.98 is split in three equal parts between the subdivision the owners lot is in, the Stagecoach operation fund and the reserve fund. That means \$12.66 dollars a year goes into the daily operation fund for Stagecoach! This fund has to pay for office manager, mailings, legal expenses, phone, web-page, and any other operational costs that might come up. For a long time this has been adequate. With all the new activity in the area

prompting better communication between SPOA and individual lot owners and more legal expenses to protect your property the \$12.66 per lot just isn't cutting it anymore. Since the covenants only allow for the annual increase of 3% of the dues and the option of a special assessment, which probably won't go over very well, then it is apparent the board will be forced to restructure the allocation process. This could lead to a 1/2, 1/4, 1/4 split, which still probably isn't enough to meet the demands of the lot owners. Either more money needs to be allocated to the Stagecoach operation fund or services will have to be cut.

### **ANNUAL MEETING**

**Of Stagecoach Property Owner's  
Association**

The annual meeting this year will be at the Sheraton Grand Ballroom. Date of this year's meeting is Saturday, July 14th (Rainbow Weekend). It will start at 2:00 pm and will end by 6:00 pm as per contractual agreement with the Sheraton. This arrangement will allow for more locals to attend an afternoon meeting and also put the meeting in a location where refreshments can be purchased. Look for an official notice to be mailed out giving more information 30 days prior to the meeting.

**Stagecoach Property Owners  
Association.....**

**Have a question??**

**Call us at: (970) 736-0881**

**Or our toll free number:  
1 (800) 862-0606**

**Web Site:  
[www.stage-coach.com](http://www.stage-coach.com)**



# Stagecoach Property Owners Association Board Meeting

September 8th, 2000

141 Ninth Street, Steamboat Springs, CO

Present: Steve Watwood, Ellen Westbrook, Chris Wittemyer, Mark Dernay, Norman Sothan, Chris Zuschlag, Norman Dunn, Al Saterdal and Greg Hermann

Guest: Tom Boyle, Paula Stratman, Cathy Shipley, Lucia Snead and Mike Holloran

Meeting Called to Order:  
1:30 pm

## **Introduction of Cathy Shipley and Lucia Snead, with Coiorado Department of Local Affairs:**

Question and answer session as to forming improvement districts. Types, bonding amounts, level of debt, petitions by owners required, etc. Guests left material to be attached to minutes.

**Secretary:** Minutes of November 6th, 1999, February 12th, 2000, May 20th, 2000 and July 16th, 2000, all previously tabled at prior board meetings, awaiting material to be furnished by Hermann for review by Board. Material not furnished and board decided to approve all prior board minutes tabled.

**Discussion:** Watwood read complaint letter from Mrs. Gingerich that

had been read at November 6th, 1999 Board Meeting but not included in minutes at request of Mrs. Gingerich. She now wants letter to be part of November 6th, 1999 Minutes.

**Complaint:** 'Someone looking like Board Member Hermann, driving a vehicle same color as unit owned by Hermann, found looking into her home window with binoculars from road some weeks prior to the 6th November 1999 meeting.'

**Discussion:** Hermann has not furnished material in question almost ten (10) months, so will approve all prior minutes & include the above complaint in the November 6th, 1999 minutes.

Minutes approved, 7-1. Sothan not voting as not on board at time of board meetings.

## **Minutes July 16th 2000 meeting:**

Minutes reviewed.

**Motion:** Accept July 16th, 2000 minutes.

**Discussion:** Few corrections noted and made. Passed 7-0.

Sothan and Wittemyer not voting as they did not attend meeting.

## **Treasurer:**

Wittemyer will have

list of all checks that need ratification at next Board Meeting.

Need procedure for handling mail, now that we have office manager.

**Motion:** "Stetson to pick up mail, forward bills and material that relate of SPOA business, except checks and accounting questions. Office manager will write checks, and inform treasurer and other board members authorized to sign checks, so they may review bills and sign checks.

2nd. Discussion.

Passed. 9-0.

Zuschlag had to leave meeting.

## **Independent Audit of SPOA Accounts:**

**Motion:** "After this year final statement from our CPA, HAVE INDEPENDENT AUDIT MADE. Cost not to exceed \$3,000."

Discussion.

Passes. 8-0

## **New Budget:**

Treasurer and CPA to meet September 16th, 2000, and complete next year's budget.

Treasurer will review lien procedures. Attorney that has been handling foreclosures has left firm, and we may need to retain another firm. After re-

view, may need to inform owners or our procedures re liens, etc.

**Lot 87, Meadowgreen:** Need to sell. Inform owners of minimum bid of \$35,000. Hold blind bid on vacant land. Require 10% deposit with bid. Try to sell by December 1st.

## **ACC report:**

Inspection made of all lots where they received complaints. Found a few others. Some complaints sent to county, as they were violations of county requirements, and they have better violation powers than our ACC. Certified letters sent to all other parties informing them of possible ACC violations, ten (10) days to reply.

## **Old business:**

### **Office manager:**

**Motion:** "Pay office manager on the 40/60% ratio agreed with Morison W & S. Pay them the amount for six (6) months to obtain work load estimate as to time spent working on SPOA projects."

2nd. Discussion.

Passed. 8-0

### **Web site:**

David George will be



Web Master . He needs policy from board as to how he should handle. Would like to require two signatures on each letter or material to be posted on site. Agreed to by board.

**Skyhitch I Road Projects:** Ellen has received letter from Steve Colby, Morrison W & S. Road specification, fifteen (15) feet wide, eight (8) inches of gravel. Hermann will contact Colby and arrive at requirements. Need at least three bids, if possible.

**Special Assessments:** Hermann asked at last Board meeting to review costs on projects that might require special assessments. Greg did not have written estimates, but felt they were good estimates: Fire Station between \$350,000 and \$400,000; Fire Break construction, \$50,000; Fire hydrant installation, \$500,000.

#### **Overhead Lines:**

Routt County and Yampa Valley have not worked out their problems. Thought is that what is now overhead will stay, but any new lines will be underground?

#### **New Business:**

##### **Burgess Lawsuit:**

Holloran and Burgess attorney working to settle complaint against SPOA. E & O carrier reviewed. No coverage as no damages asked in complaint. Thompson vs. Burgess trail set for March 5th, 2001. Wittemyer will furnish copy of our policy to Sothan for review. He is a risk manager.

**Citizen management of Growth Committee report:** Amendment #24. Al gave report. All Stagecoach owners should be informed of amendment. SPOA being a non-profit corporation, can not become active in any political activity. A second

question on the ballot concerns a Routt County question, exempt county from #24, should it pass.

**Fire Hazard:** Piles of trees and undergrowth found in roadway in one subdivision in southern portion of Stagecoach. Motion:

Send letter to party responsible for placing hazard, and ask that debris be removed."

2nd. Discussion.

Passed. 8-0.

Watwood and Holloran will work on letter.

##### **Fire Concerns—Stagecoach:**

Al submitted letter to Watwood for review. Letter to be sent to Morrison W & S, item for their Board Meeting. Watwood and Holloran to review material before sending letter. Letter may also be included in next news letter.

Sothan left meeting, still have quorum.

**Rumors: SPOA in Favor of Removing Overhead Lines:** Hermann asked what information he may have related to owners via e-mail? Greg felt he had been misquoted. Had discussed what might happen, not that SPOA Board had approved?

Hermann asked what questions he had submitted to his council relating to possible Board violations and that Secretary, Dunn, was guilty of lying and conspiracy. Greg stated he had discussion with council, but gave no details on either question. Discussion: Why, if Greg has questions of Board and Dunn's actions, why hadn't questions first been brought to Board, rather than being put on e-mail and internet? Greg gave no reply.

Next Meeting, February 10th, 2001, in Denver.

Meeting adjourned—4:45

## **Association of South Shore**

By Chris Zuschlag

With all the growth and potential growth that we are starting to see in the Stagecoach area, the current homeowners in South Shore, through a majority vote, decided that we needed our own association. This Association has been established now for two years and is registered with the state. Even though we all live in Stagecoach and are a part of the SPOA, the individual subdivi-

sions have their own, unique character. This will allow us to have our own set of covenants, in addition to the SPOA's, so we can keep the high standard of building and development in line with current values. We will address pertinent issues as they effect South Shore, such as sewer, water, power and road improvements. I would encourage other subdivisions to do the same

*(Rising Property.., Continued from page 8)*

Secretary Norm Dunn who helped organize the SPOA as we know it, past President Art Snoden and Herb Hollemon and current President, Steve Watwood. In the Morrison Creek District this list includes Attorney Tom Sharp, current President John Wittemyer and Manager Steve Colby.

Most of these individuals have served without compensation and even where compensation was provided more service

was received than was paid for. They have all been motivated by a desire to make Stagecoach a success. These people have my sincere "thanks" - and they should have the thanks of all of our members.

It has taken 25 years to establish the workable framework that exists at Stagecoach today. Considering the need for electric power as essential for any large scale development it couldn't have happened any

*(Rising Property.., Continued on page 12)*



# **NOTICE**

## **Board of Directors Meeting**

**Date:** July 15, 2001  
**Time:** 10:00 A.M.  
**Place:** Morrison Creek Water Dist.  
24490 Uncompahgre Road

**Need directions? Call 1/800/862-0606  
or Locally 736-0881**

*(Summary...Continued from  
page 4)*

gess's if other persons  
used the newly con-  
structed electric line  
and a waiver from the  
Burgess's for road con-  
struction reimburse-

ment for \$10,000.

3. Mr. & Mrs. Bur-  
gess paid Mr.  
Thompson \$1500  
to dismiss the law-  
suit.
4. The Association  
agreed to hire a

vote counter at the  
annual meeting and  
to present the  
"resubdivision"  
procedure for a by-  
law amendment at  
the annual meeting.

**Error:** There was a  
typo error in the January  
newsletter. On page 5, in  
the list of the Board of  
Directors, Stetson's fax  
number was incorrect  
(last line on page).

**Correct  
Number:**  
970-272-3057.

*(Rising Property ,  
Continued from page 11)*

sooner. Development op-  
portunities and costs will  
vary greatly from one  
area to another. All de-  
velopment involving  
multiple lots will require  
organization and will  
probably involve some  
financial risks and entre-  
preneurial effort in addi-  
tion to cooperation by  
property owners. Some  
specific action suggestion  
will be presented in the  
future. All property own-  
ers will need to examine  
the roles they are willing  
to play.

Stagecoach Property Owners Association  
P.O. Box 774845  
Steamboat Springs, CO 80477 Toll Free 1  
(800) 862-0606

