



# Express

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Fall 2013

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Stagecoach Property

Owners Association (SPOA)

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The next Board of Directors meeting will be on October 26, 2013 at the Stagecoach Fire Station. The meeting begins at 9 A.M. Please park on the left side (East) side of the building to keep the right clear for firefighters.



Wildlife in Stagecoach has been plentiful this Fall with elk, deer, fox, bear, red tail hawks and more seen in abundance. Below is an elk herd grazing under the watchful eyes of a five point bull in Skyhitch I.

But please help us to remind folks that this is private property and hunting is NOT ALLOWED..

## Manager's Report

New Officers – Our officers were elected at the July Board meeting which was held immediately after the Annual Meeting. The officers elected are as follows:

President -

Dave Hackett

Vice President-

Mike Koponen

Secretary -

Ann Holmes

Treasurer -

John Troka

## Water District News

As noted in the last newsletter, the District held its rate hearing on August 15<sup>th</sup>.

About 20 members attended and there was a thoughtful discussion about the financial challenges facing the District. Due to the drop in property values and the lack of building the District is using up its reserves which will be depleted in three years unless the revenue loss is stemmed.

## Manager's Report (cont.)

The Water District Board proposed a mil levy increase from 20 mils to 30 mils coupled with an 8% per year service charge increase. The mil levy measure will go to the District voters this fall. This would not rebuild reserves but simply stop using up what is left.

There still remain several capital hurdles facing the District in the future. This includes replacing the existing waste water plant, repairing and replacing existing water and sewer lines and protecting the District's ability to provide water in the future. The existing system is over forty years old.

**PLEASE VOTE  
THIS NOVEMBER**

### SPOA Splitter

We are in the process of acquiring a new log splitter. Our old one has been retired after 5 years of hard use. The new splitter will be operational in early October.

### Road Development Vote

Some 50 property owners were surveyed for interest in bringing their road up to County standards which would enable them to obtain a building permit should they so desire. The estimated cost was up to \$8,500 per lot. About a third are interested.

### Architectural Review Committee

It appears that we may be pulling out of the economic slump. We are receiving more applications for new construction and remodeling.

It has been a dry spell and many have forgotten that they **need to file an ARC Application and receive approval prior to building**. The application can be found on our website at stage-coach.com.

Please do not avoid this requirement. Some have been faced with changing their plans or seeking exceptions from the ARC years unless the revenue loss is stemmed.

### Covenant Amendment

Changing our Declaration of Covenant, Restrictions and Conditions is very difficult since it takes up to 2/3s of our members to affirmatively approve any change. About 1500 lots have not yet voted on the amendment to enable sets of



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owners of assess themselves to build infrastructure for their properties.

Please review the amendment on page 4 and consider voting. You can use the voting page included here, or contact the General Manager at 970-736-1036 or at gmspoa@zirkel.us if you need another ballot.

*Please Vote!  
Return your ballot on the covenant  
amendment as soon as possible.  
Thank you!*

## Real Estate Corner

By Rebecca Bailey

The information provided below is from the Steamboat Springs MLS. It is deemed accurate, but not verified. This covers the period from April through August.

### Vacant Land

From April through August there were 21 sales of vacant land. The sales ranged from \$3,250 for a South Station II lot, to \$167,500 for 7.11 acres in The Meadows. There are currently 130 lots on the market, priced from \$3,800 to \$995,000 (for a 70 acre parcel).

### Condos and Townhomes

There were 3 sales at the Stagecoach Townhomes, all were privately owned, and one was a Short Sale. Currently, there are 4 active listings in the Stagecoach Townhomes (one is bank owned), and 1 pending (which is a Short Sale). At Eagle's Nest, there are 2 active listings, both are private owners. Wagonwheel has 2 active listings (one privately owned, 1 bank owned), and 2 pending (both are Short Sales).

### Single Family Homes

Eight sales occurred during the April-August time period with prices ranging from \$185,601 for a HUD home in Horseback, to \$1,200,000 at Morrison Divide Ranch. Of the 8 sales, 1 was a Short Sale, and 3 were bank owned. There is currently one home pending in Red Hawk Village. Twenty-five listings are active, ranging from \$234,900 to \$1,790,000. Of these 25, only one is bank owned. There are fewer distressed (bank owned) properties coming onto the market as our summer winds down.

Year to date, the average sales price for single family homes in Stagecoach is \$335,000, and the median price is \$270,500.

The Stagecoach Townhomes are experiencing an upward price trend, which is good news for our overall market. Several units have gone under contract in a matter of days. Interest rates remain low, and many people are realizing that they can purchase for less money than rent.

### The Real Estate Market in Stagecoach Is Gaining Momentum This Year!

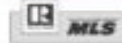
If you are considering buying or selling, let your Stagecoach Residents/Specialists help you make YOUR move.

Town & Country Properties has been the trusted name in South Routt Real Estate since 1992.

For all steamboat area listings visit our website  
[www.steamboatarea.com](http://www.steamboatarea.com)



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## Opening on the Board of Directors

If you know of anyone interested in serving the community as a member of the SPOA Board of Directors, please have them call any Board member or the General Manager at 970-736-1036. The Directors meet four times each year unless there is a need for a special meeting. The meetings are at the Stagecoach Fire Station on Saturday mornings at 9 A.M.





# PROPOSED COVENANT AMENDMENT

## PROPOSED COVENANT AMENDMENTS [January 12, 2013]

**FIRST AMENDMENT:** Article IV, 1., Section "d." of the Stagecoach Declaration of Covenants, Conditions and Restrictions shall be amended in its entirety to read as follows:

"Section d. Special Assessments for Capital Improvement Construction, Reconstruction and Repair.

1. In addition to the annual assessments authorized above, the Association may levy special assessments for the construction, reconstruction and repair of capital improvements, provided however, that such special assessments may only be levied upon the terms described in this Section d.

2. The process for levying a special assessment shall be initiated by the directors of the Association at a regularly scheduled and noticed directors' meeting by adopting a resolution (referred to hereafter as the "Resolution") stating the following:

- i. A reasonably detailed description of the capital improvement or improvements that would be constructed or reconstructed or repaired using the special assessment funds; and
- ii. A list of the Lots (by subdivision and lot number within the subdivision) that will benefit from the construction or reconstruction or repair, and will thus be assessed to pay for the construction or reconstruction or repair; and
- iii. The amount, duration and terms of the proposed special assessment; and
- iv. A reasonably detailed description of how the directors determined the amount of the proposed assessment; and
- v. That Lot Owners who fail to vote or who vote to reject the proposed special assessment will be required to pay their share of the special assessment, if the special assessment is approved; and
- vi. That Lot Owners who fail to pay the special assessment will be subject to the actions stated in Article IV, sections 1.a, 1.h, 1.i, and 1.j; and
- vii. That the resolution shall become effective upon approval by Lot Owners owning 67%, or more, of the Lots listed in the Resolution.

## PROPOSED COVENANT AMENDMENT (cont.)

3. Upon approval of the Resolution by the directors, the Secretary of the Association shall cause the text of the Resolution to be mailed, or delivered by such other method of transmission as the Secretary shall determine, to each of the owners of the Lots listed in the Resolution, together with a ballot which shall have a space for the Lot Owners' signatures, and the date of the signatures, and a space for the Lot Owners to vote for or against the special assessment described in the Resolution. The mailing and transmission shall also include a statement, approved by a majority of the directors voting in favor of the Resolution, stating the reasons why the proposed special assessment should be approved by the Lot Owners. The mailing and transmission shall also include, at the request of any director of the Association, a statement approved by a majority of the directors voting against the Resolution, stating the reasons why the proposed special assessment should not be approved by the Lot Owners. The mailing or transmission of the Resolution and ballot shall start the period for voting (the "Voting Period") on the proposed special assessment. The Voting Period shall end on the date which is 180 days after the start of the Voting Period.

4. If the Association receives, during the Voting Period, ballots signed by the owners of 67% or more of the Lots listed in the Resolution, approving the special assessment, the directors shall proceed to levy the special assessment against all of the Lots listed in the Resolution. If the Association receives, during the Voting Period, ballots signed by the owners of more than 33% of the Lots listed in the Resolution, rejecting the special assessment, the special assessment shall not be levied. If the Association does not receive, during the Voting Period, ballots signed by a sufficient number of Lot Owners to either approve or reject the special assessment, the special assessment shall not be levied."

**SECOND AMENDMENT:** Article IV, 1., Section "e" shall be amended to delete all references to "Section d."

**THIRD AMENDMENT:** Article IV, 1., Section "f" shall be amended to delete all references to "special assessments."

# PROPOSED COVENANT AMENDMENT (cont.)

## Ballot for Vote on Proposed Amendments to the Stagecoach Declaration of Covenants, Conditions and Restrictions

\_\_\_\_\_ I (We), the undersigned Lot Owner(s), approve the proposed amendments [Dated January 12, 2013] to the Stagecoach Declaration of Covenants, Conditions and Restrictions.

\_\_\_\_\_ I (We), the undersigned Lot Owner(s), do not approve the proposed amendments [Dated January 12, 2013] to the Stagecoach Declaration of Covenants, Conditions and Restrictions.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

**Please give us your e-mail address and phone number. We would like to send you the quarterly newsletter via email and would like to have a phone number for future reference.**

\_\_\_\_\_  
E-Mail

\_\_\_\_\_  
Telephone



# ***SOUTH ROUTT ACTIVITY***

## The Labor Day Parade

The parade Monday drew a crowd of residents and visitors to watch our veterans, horsemen, fire district power and ladies with a - er- from a past era - (a few of whom are featured at left).

The weekend long activities featured art shows, pancake breakfasts, a fishing derby, bands, an archery contest and games galore.

Immediately after the parade on Monday an afternoon of fun was spent at Deckers Park.

## Katey Laurel

Friday, September 13, South Routt native Katey Laurel and her band performed at the Chief Theater in Steamboat. The theater was packed with mostly South Routt folks including her mom. The music, as anticipated, was great.

## Lehman Move

Kimi Lehman, a former SPOA Board member and Stagecoach State Park Administrator, has take a position as Oak Creek's Deputy and Billing Clerk. We wish her will.



## Oak Creek Chip Seal Project

Many of the side roads in Oak Creek are scheduled to be chip sealed over existing asphalt beginning in 2014. The Oak Creek Public Works Department is scheduling a four year project.

## South Routt Economic Development Council

The South Routt Economic Development Council has developed a great website describing our activities and advantages. Check it out at [southrouttedec.com](http://southrouttedec.com).

# GOVERNANCE POLICY UPDATE

The Colorado legislature has revised association requirements for the inspection and copying of records. Accordingly at the next Board of Directors meeting the Board intends to modify and adopt a revised portion of our Governance Policy to be in compliance with these requirements.

## V. INSPECTION AND COPYING OF SPOA RECORDS

1. Any **Member** may request to inspect and copy **SPOA** records on the following conditions:
  - a. The request must state with reasonable particularity the records requested;
  - b. Not less than ten days notice is given; however records may be made available at the next regularly scheduled meeting if such meeting is scheduled within thirty days of request.
2. Copies shall be charged to the requesting **Member** at the actual cost to **SPOA**, including administrative time and may be collected in advance.
3. Requests for copies shall be made to the **Manager**. Records shall be available for inspection only by appointment with the **Manager**.
4. No membership lists or any part thereof shall be obtained or used for any purpose unrelated to a **Member's** interest as an owner without consent of the **Board**.
5. The following **SPOA** records shall be posted regularly on the **SPOA** website:
  - Declaration of Covenants;
  - By-Laws
  - Responsible Governance Policies;
  - Most recent Minutes of **Members** and **Board** Meetings;
  - Most recent Approved Budget;
  - Rules and Regulations;
  - List of name and home or business address of current **Directors** and officers.
6. Hard copies of the following **SPOA** records shall be maintained as permanent records and kept at the principal office.
  - Detailed records of receipts and expenditures affecting the operation and administration of the association.
  - Records of claims for construction defects and amounts received pursuant to settlement of those claims;
  - Minutes of all meetings of **Members** and the **Board**;
  - A record of all actions taken by the **Members** or **Board** without a meeting;
  - A record of all actions taken by any committee of the **Board**;
  - Written communications among, and the votes cast by, **Board** members that are:
    - a. directly related to an action taken by the **Board** without a meeting pursuant to the Colorado Revised Nonprofit Corporation Act; or
    - b. directly related to an action taken by the **Board** without a meeting pursuant to the bylaws.
  - The names of **Members** in a form that permits preparation of a list of the names of all **Members** and the physical mailing addresses at which the **Association** communicates with them, showing the number of votes each **Member** is entitled to vote; except that this does not apply to a unit, or the **Member** thereof, if the unit is a time-share unit;
  - Declaration;
  - Covenants;
  - Bylaws;
  - Rules and Regulations, Responsible Governance Policies and any other policies adopted by the **Board**;
  - Financial statements for the past three years;
  - Tax returns for the past seven years, to the extent available;
  - A list of the names, electronic mail addresses, and physical mailing addresses of the **Association's** current **Board** member and officers;
  - The Association's most recent annual report;
  - Financial records sufficiently detailed to enable the Association to provide a written statement setting forth the amount of unpaid assessments currently levied against a requesting **Member's** unit;



## GOVERNANCE POLICY UPDATE (continued)

- The Association's most recent reserve study, if any;
- Current written contracts to which the Association is a party and contracts for work performed from the Association within the immediately preceding two years;
- Records of **Board** or committee actions to approve or deny any requests for design or architectural approval from **Members**;
- Ballots, proxies, and other records related to voting by **Members** for one year after the election, action, or vote to which they relate;
- Resolutions adopted by its **Board** relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;
- All written communications within the past three years to **Members** generally as **Members**; and
- Records the associations is required to make available within 90 days after the end of each fiscal year as set forth in CCIOA. See C.R.S. 38-33.3-209.4(2). \*

\* 38-33.3-109.4(2) states: The association shall make the following information available to unit owners upon reasonable notice in accordance with subsection (3) of this section:

- a. The date on which its fiscal years commences;
  - b. Its operating budget for the current fiscal year;
  - c. A list, by unit type, of the association's current assessments, including both regular and special assessments;
  - d. Its annual financial statements, including any amounts held in reserve for the fiscal year immediately preceding the current annual disclosure;
  - e. The results of its most recent available financial audit or review;
  - f. A list of all association insurance policies, including, but not limited to, property, general liability, association director and officer professional liability, and fidelity policies. Such list shall include the company names, policy limits, policy deductibles, additional named insureds, and expiration dates of the policies listed;
  - g. All the association's bylaws, articles, and rules and regulations;
  - h. The minutes of the executive board and member meetings for the fiscal year immediately preceding the current annual disclosure; and
  - i. The association's responsible governance policies adopted under section 38-33.3-209.5.
7. **SPOA** may withhold the following records from inspection and copying to the extent they are a concern:
- a. Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs.
  - b. Contracts, leases, bids, or records related to transaction to purchase or provide goods or services that are currently in or under negotiation.
  - c. Communications with legal counsel that are otherwise protected by the attorney client privilege or the attorney work product doctrine.
  - d. Disclosure of information in violation of the law.
  - e. Records of an executive session of a **Board**.
  - f. Individual units other than those of the requesting **Member**.
8. **SPOA** shall withhold the following records from inspection and copying:
- a. Personnel, salary, or medical records relating to specific individuals.
  - b. Personal identification and account information of **Owners** including:
    - 1) bank account information
    - 2) telephone numbers
    - 3) electronic mail addresses
    - 4) driver's license numbers
    - 5) social security numbers

# Oak Creek Fire Protection District



**It is that time of year again and citizens desiring to burn slash piles need to be aware of the following:**

## **All open burns require an Open Burn Permit**

### **Open Burn Rules:**

1. The following shall be exempt from these rules and the permitting requirements.

Fires for instructional or recreational purposes (e.g. campfire).

(These types of fire require a different and separate type of permit available from the Fire District)

- b. Flares to indicate danger to the public.
- c. Agricultural Open Burning.
- d. Open burning of rubbish, tree stumps, painted or treated wood, dimensional lumber, excessive dirt, construction debris, and demolition debris is prohibited.
- e. Open burning shall only be performed when time and atmospheric conditions allow for safe burning and adequate ventilation.

The Fire District will conduct an inspection of the open burn piles before a permit is issued. During the inspection the inspector will assign the burn a fire type and inspect the pile in accordance with the standards provided by CDPHE and RCDEH.

### **Definitions:**

**Agricultural Open Burning:** As established in Colorado Air Quality Control Commission's Regulation 9, agricultural open burning is "the burning of cover vegetation for the purpose of preparing the soil for crop production, weed control, maintenance of water conveyance structures related to agricultural operations, and other agricultural cultivation purposes." Open burning of animal parts or carcasses is *not* agricultural burning (unless the State Agricultural Commission declares a public health emergency that requires the burning of diseased animal carcasses). Open burning of household trash, wood, and yard debris on agricultural land is *not* agricultural burning and is *not* exempt from State permitting requirements.

**Open Burn Permit:** A permit issued by a Fire District on a form approved by the Routt County Department of Environmental Health and the Colorado Department of Public Health and Environment ("CDPHE").

**Rubbish:** Waste material including but not limited to, garbage, waste paper and debris from construction or demolition, and untreated lumber.

*With the mitigation grant funds obtained by the Fire District we were able to assist the Stagecoach mitigation project by chipping app. 400 cubic yards of chips and burning app. 24,000 cubic yards of slash. The Fire District will resume burning of the slash piles generated by the mitigation/logging project in the next few weeks and will continue through the fall and winter until our grant funding runs out.*

# COLLECTION OF UNPAID ASSESSMENTS

This addition to the Governance Policy defines and limits the process for collecting unpaid member assessments. The Board of Directors will also vote on adopting these changes at the October 26 meeting.

## I. COLLECTION OF UNPAID ASSESSMENTS

1. Annual assessments shall be billed on or about \_\_\_\_\_ of each year.
2. Payment of assessments shall be made no later than \_\_\_\_\_ or sixty (60) days after the billing date, whichever is later. Interest at the rate of eight percent (8%) per annum shall accrue upon any past due assessment as of the first day of default.
3. The voting rights of any **Member** who is in default of assessments shall be suspended. Notice of suspension, together with amounts owed, shall be mailed to **Members** each June. Voting rights shall be reinstated upon payment in full.
4. It shall be in the **Board's** discretion as to when and how to enforce past-due assessments. The **Board** may choose amongst foreclosure of **SPOA's** lien, suit in small claims, county or district court for personal judgment, against a **Member** individually, or by suit against multiple defendants. Pursuant to the Colorado Common Interest Ownership Act (CCIOA), **SPOA** has a lien without further filings; however the **Board** may choose to file a Statement of Lien against the Lot of a defaulting **Member** as a further incentive and reminder for payment.

In exercising its discretion, it is the policy of the **Board** to treat delinquencies in a uniform manner while recognizing that there may be extenuating circumstances which make deviation from identical treatment necessary.

5. Not less than thirty (30) days prior to taking any collection action, including the filing of a Statement of Lien, the **Board** shall provide notice to the **Member(s)** of the action (e.g. suit, filing statement of lien). Notice shall be by certified mail to the address on record with **SPOA**.
6. Any defaulting **Member** shall be responsible for any attorney fees, costs, or fees incurred by **SPOA** caused by the non-payment or untimely payment of assessments.
7. Upon obtaining a judgment against any **Member**, **SPOA** is entitled to all collection remedies available at law.
8. Payments received from each **Member** shall be applied to the **Member's** account in the following order:
  - a. Attorney's fees and costs incurred by **SPOA** and for which the **Member** is responsible pursuant to the Act or the **Governing Documents**;
  - b. Interest which has accrued on all unpaid amounts;  
Fines, late charges or other monetary charges or penalties;  
Past due Special Assessments;  
Past due monthly installments of Annual Assessments;



## COLLECTION OF UNPAID ASSESSMENTS (cont.)

- c. Interest which has accrued on all unpaid amounts;  
Current Special Assessments; and  
Current monthly installment for Annual Assessments.
- 9. Any fine, late charge or other monetary charge or penalty levied by **SPOA** pursuant to the **Governing Documents** or the Colorado Common Interest Ownership Act (the "Act"), including attorney's fees and costs incurred by **SPOA** and for which the **Member** is liable, shall be collectible as an "Assessment" as that term is defined by the Colorado Common Interest Ownership Act.
- 10. Before **SPOA** turns a delinquent account over to a collection agency or attorney for collection or enforcement, it shall send the **Member** a notice of delinquency that at the minimum specifies:
  - a. The total amount due, with an accounting of how the total was determined;
  - b. Whether the opportunity to enter into a payment plan exists and instructions for contacting **SPOA** to enter into such a payment plan;
  - c. The name and contact information that the **Member** may contact to request a ledger to verify the amount of the debt;
  - d. That the **Member** must take action to cure the delinquency and that failure to do so within thirty (30) days may result in the **Member's** account being turned over to a collection agency, a lawsuit being filed against the **Member**, the filing and foreclosure of a lien against the **Member's** property or other remedies available under Colorado Law.
- 11. With the exceptions listed below, **SPOA** shall negotiate in good faith a payment plan with any **Member** who timely responds to the Notice of Delinquency that allows a minimum of six equal monthly installments. **SPOA** is not required to offer a payment plan to the following:
  - a. Any **Member** who does not occupy the **LOT** and has acquired the property as a result of:
    - (i) A default of a security interest encumbering the **LOT**; or
    - (ii) Foreclosure of the Association's lien
  - b. Any **Member** who has previously entered into a payment plan after the effective date of this policy.
- 12. **SPOA** shall only initiate an action to foreclose its lien if and when:
  - a. The amount of assessments and charges secured by the lien is equal to at least six months of regular assessments; and
  - b. The Board has duly voted an authorization of the foreclosure of the lien on the specific **LOT** being foreclosed and such vote is duly recorded.
- 13. This Policy applies to **SPOA** and any assignee or holder of the debt to **SPOA**.

Effective date of Policy \_\_\_\_\_