

**Minutes of the 2008 Annual Meeting of
Raspberry Mountain Ranch Property Owner's Association**

Date: Saturday, October 4, 2008 from 10am to 12 noon

Place: La Veta Library Meeting Room, La Veta, CO

10:00 AM Call to Order by Vice President, Sharon Archambault:

Introduction of Membership Present by Parcel:

#7,#8, #18 Robert & Susan Parke
#23 Dick & Brooke Robeson
#24 Stu & Doreen Baumann
#17 Ed Kirkland
#31 Dick & Shirley Newsom
#14 Don Elias
#13 Steve & Sharon Archambault
#6 Gary Sanden
#20 Chris & Ricky Daly
#21 Jon & Becky Scarpelli

Membership By Proxy:

#22 Jeff Hanko by Dick Newsom
#5 Thomas Bettis by Dick Newsom
#25 Danny Hockett by Dick Robeson
#19 Doug Hailey by Ed Kirkland
#16 Kevin Fritson by Ed Kirkland
#10 James Seifert by Sharon Archambault
#34 James Seifert by Sharon Archambault
17 voting members, 2 nonvoting

Reading of the Minutes from the 2007 Annual Meeting was passed out and not read. All approved the minutes as presented.

Architectural Review Committee Report: Steve Archambault, Chairman, said there were no plans or activity other than his own home on Parcel #13. Steve recused himself from the review process as he chairs the ARC and is the only member. He had sent emails on 9/2 to the Board asking for review and approval as the plans are for a custom offsite stick built home. Dick Newsom said he did not receive the email and expressed his concern that further discussion by the Board was necessary for this request. A discussion followed concerning whether the plans met the criteria of the present Covenants. Several emails from members of CRE and RMR have been addressed to both POA members expressing confusion and concerns. **Action Item:** It was agreed that Sharon would email the preliminary plans to Dick Newsom and would bring the discussion to the Board. Sharon offered to call the Board Members who have not responded. It was agreed that all board members are actively polled when a matter concerning the Covenants comes before

the board

Governing Documents Committee Report: Doreen Baumann read the POA report prepared by Jeff Hanko, Chairman (see attached) that addressed the process of bringing our present documents (Articles of Incorporation, Declaration and ByLaws) into compliance with the Colorado Common Interest Ownership Act (CCIOA) and the Colorado Revised Nonprofit Corporation Act (CRNCA) and preparing a draft of a Rules & Regulations manual. His preliminary review of the ByLaws sites 60 areas that need to be either added or revised in order to comply. Doreen confirmed that neither the 2000 or 2005 ByLaws have been officially recorded with the state and therefore Stewart Title Company does not include them with closing documents. A discussion followed concerning the Covenants. Doreen said that the Covenants needed updating (e.g. developer as owner, developer annexation, fees & enforcement). The committee would consider feedback from the membership before they will be asked to vote on the Covenant amendments.

Ranch Management Report:

1. Road Maintenance: Stu Baumann, Chairman, said the road maintenance contract with Warren Construction has been relatively successful and the roads are generally in good shape. Sharon acknowledged. Ed Kirkland commended Barr Warren for an excellent job. Stu explained the schedule that the main roads are graded every month with all roads at least 3 times per year. Since the weeds were sprayed last week, the road grading has been delayed for 2-3 weeks and will be graded one time before the snow flies.
2. Railings: Dick Newsom asked about the fencing (guard rails) along Rawhide that were down. Stu explained that the rails are not “guard rails” as they serve no protection. Barr repaired the railings in the spring, but the cows have knocked them down as they were not originally installed properly and need to be reset.

Front Gate Committee: Ed Kirkland, chair, said the gate was left open in the winter months due to high winds and blowing snow. There have been less problems this year with unauthorized traffic. He said they would leave the gate open upon the first major snowfall. A discussion followed on creating separate codes for CRE and keeping the present codes for RMR and retiring all previous codes. **Action Item:** A motion by Sharon, 2nd by Chris Daly, all carried, to set up codes as follows:

- CRE new gate codes #4279 and #3726
- RMR contractor code to remain as #2662 (anna)
- RMR owner code (guests) #5459
- Retire all previous codes
- All remote controls will continue to work as is.

Remote controls were distributed at the meeting.

A request to pick up phone books presently at the mailboxes was offered.

New Business

RMR POA Website: www.RMRPOA.com Ed Kirkland explained how the new website is available to RMR owners as a source of information including pictures and a blog. The user ID is "owner" and password is "RMR411" (no case required). Chris Daly commended Ed for the site and all applauded. Ed said he will try to add more space and get our document pdf files uploaded. **Action Item:** A motion by Sharon, Stu 2nd, all carried, that no commercial (vendors) advertising would be allowed on the site and limited to the needs/ads of property owners.

Treasurer's Report:

1. **2008 Budget:** Jon Scarpelli distributed the 2008 budget/actual (see attached) to date and said we hit our target, but we will still deplete our reserves at year end. He explained where we started last year and why we raised our annual assessment from \$395 to \$600 in an attempt to retain our reserve at a \$10,000 level. The report showed our budget of \$38,900 for expenses with actual expenditures to date of \$29,015 with approximately \$7000 for the last 3 months depending on snow removal. This does not include the funds CRE owes RMR for their portion of expenses (approximately \$7500) shared under the road maintenance agreement, mowing and gate expenses. Treasurer's report was accepted by all.

2. **CRE discussions:** Sharon explained that the Board has been asked by CRE to address the method of sharing maintenance expenses. CRE has hired Dennis Malone, attorney from Trinidad, to prepare a draft of a revised agreement for doing business jointly with provisions for sharing expenses. CRE has requested that road maintenance on Mountain Valley be suspended until the agreement has been approved by both POA's. CRE has agreed to pay their share of expenses to date. The draft will be reviewed by the Board and results will be shared with the membership.

3. **Delinquent Owner Assessments Due:** Jon said that 2 access owners (Millard & Wood) have paid and two have not (Joy Smith & Grace) and 6 RMR parcels have not yet completely paid the 2008 assessment.

Action Item: Sharon will call the RMR property owners and then send certified letters if no immediate response. Enforcement of the Covenants will follow if necessary.

4. **Millard/Wood Road Agreement:** Recent discovery of an existing road maintenance agreement signed between the developer for RMR with Millard and Wood (access owners) specifies sharing expenses for a portion of Rilling Canyon Road from the beginning of Parcel 37 border to Wilderness Trail is being addressed by the Board for enforcement and collection of past due expenses.

5. **Future maintenance reserve:** Jon said we are not reserving money for future maintenance (e.g. gravel, major repairs). Stu said some ditches needed to be reshaped and some culverts cleaned that was beyond the routine maintenance, especially on Saddle Spur.

6. **Construction Impact Fee:** A construction assessment fee was approved by both CRE & RMR joint boards on 9/17/07 that would be paid by a home owner before building plan approval is granted by the ARC. CRE Highway 12 access owners and anyone having approved plans as of 9/17/07 were exempt. No fees have been collected to date.

7. **2009 Assessment Increase:** In order to maintain our reserves, Robert Parke motioned, Becky 2nd, 11 carried, to raise the 2009 assessment to \$800.00 per year and to change the fiscal year from October 1st to September 30th. It was requested that the \$800 fee be

addressed next year and may be revised (hopefully decreased). The fiscal year is changed from 1/1 - 12/31 to 10/1 - 9/30 to coincide more closely with our annual meeting so that the annual financial report and budget plan will have data for a full 12 months rather than the current situation of reporting on the first 9 months of the plan.

Old Business:

2008 Grazing Lease:

1. **The Board has approved a 10-year grazing lease between CRE & RMR and Roger Schalla.** Sharon said that Bruce Quintana, Huerfano County Land Use Administrator (tax assessor) requested that all property owners sign the lease agreement in order to show their ownership of the lease. A roster was available for signatures and owners not present were asked to send their lease agreements by mail.
2. **Fence maintenance:** Sharon would ask Roger Schalla to communicate with the POA's if fences needed maintenance. Expenses would be shared.

Mineral Rights: Property owners own the right, title and interest in and to the undivided 60% of the Mineral interest upon closing and the remaining undivided 40% of the Mineral interest shall be retained by the RMR POA. This is important for owners to know that RMR owns both the surface rights and mineral rights to their property. The Covenants state that mining and oil or gas production are prohibited (Article VIII).

New Business:

Easements: There are numerous easements throughout RMR that need to be reviewed. Action Item: Gary Sanden volunteered to help with the discovery process and prepare a report for the next Board meeting in the Spring.

Nominations to the Board: Fran Sanden completes her two year term as President and Board Member (Bravo Fran for great leadership). Nominations were requested from the floor for one Board member. Dick Newsom nominated Robert Parke. Doreen Baumann nominated Fran Sanden. Robert Parke declined. Action Item: Sharon moved the nominations close and election by show of hands, Jon 2nd, all carried. Fran will serve a three-year term on the Board.

Meeting Adjourned by Sharon at 12 noon.