

**2008 Annual Meeting Notes**  
**Pine River Landowners Association**  
**July 19, 2008**

Barbara Wickman, President of the Board, called the meeting to order and stated that over 40% of the membership was represented in person or by written proxy, which allows for a business meeting to convene. Barbara thanked the Board members (officers) present for serving on the Board: Judy Bergman, John Dustin, Andy Young and Chip Burkett, all of whom were present.

**Covenants, Conditions and Restrictions**

Barbara stated that the first thing to accomplish at the meeting was to discuss the revised CCR's, a project that has been taking place for over a year and the point of which was to comply with state law. The revisions of the CCR's have been overseen by a committee that included Pay LeRoy, Pat Watson, John Dustin, Judy Clarke, Glen Watson Angela Diedrich and Betty Perry. Barbara thanked the efforts of the committee.

John Dustin provided some background on the revisions to the third amended CCR's. The CCR's revision committee decided early on that they were not going to add anything new to the CCR's that had not undergone discussion by the community as a whole. They limited the changes to three specific categories: 1) embodied issues that had already been voted on in the past that had not been incorporated into the recorded language of the CCR's, which included things such as items agreed to at previous annual meetings; 2) made changes to conform to two state statutes that have come along in recent years and are mandatory, these changes were modest and did not substantively change the way we do business; 3) we had counsel review the document and make some recommendations that they felt were important for the governance of the organization.

John stated that the revisions in the draft CCR's are in bold and are additions; language in parenthesis will be removed. The board has had an opportunity to scrutinize the document as well as the membership via a draft copy available online. John then opened the discussion to questions. The first question was in regard to a referenced supplemental document that did not appear to be in the current document and there was a difference in the recording date. John answered that the supplemental document referenced was not included in the original document, and was added later but is part of the document (CCRs) via reference. It is a separately recorded document that is a supplemental which is why the dates are different. John clarified that the document the LOA is to vote on does not substantively change the way the LOA does business but makes the CCRs consistent with state law.

Barbara stated that the vote on the revised CCRs has to be on a notarized ballot (provided at beginning of meeting) with the landowner's signature and can not be done by proxy. A notary will available at the end of the meeting for those in the room who would like to vote today. A one year window has been set for signing the ballots. A year was allowed to provide enough time (particularly with many out of state landowners) to collect enough votes so that the voting process would not have to be repeated. Fifty one percent of the voting lots is required to approve the revised CCR's. There are 89 voting lots, so there needs to be 46 lots (ballots) cast in favor. Barbara stated that if a landowner has questions they may contact a board member, the Boards lawyer or their own lawyer concerning the revisions. She emphasized the importance of passing the revisions so that they are enforceable. Barbara then asked John Dustin to discuss the other documents that were discussed by the committee.

John stated that the other documents are not recorded and do not require a notarized signature. The attorney recommended that the LOA adopt, consistent with state law, a statement of policy and procedures about the governance of the LOA. This was done and should not change the way the LOA conducts business. For example, if there is a grievance, there is an alternative dispute resolution. All of the documents are available on the website under the governance heading (<http://pineriverranchesloa.com/>).

A question was raised about the fishing easement and access to the river (Number 21 in the CCRs). John responded that the easement was memorialized in two ways: first in the CCRs which is a recorded document and second, it is shown on the original subdivision recorded map, and it is shown as being a thirty foot strip along the west side of the river. It states that you can not deny access along that thirty foot strip, but it does not grant somebody the right to cross your property from the road with out your permission. There was further discussion about the term conveyance, which John defined as anything that conveys a legal interest in a property, and an easement is a conveyance. There was a follow up question regarding BP's property and Barbara replied that BP has not given permission to anyone who lives outside of the subdivision permission to fish or hunt ( i.e., individuals working on their land). Also, no permission has been granted for trespassing by ATV/4-wheelers.

There was a question about road impact fess for lot owners outside the subdivision, who are not required to pay an impact fee. John pointed out that the current impact fee (1.2%) for a new house in the subdivision is more than adequate (15 times greater for an average house assessed at \$300,000 when compared to the annual fee). The subdivision has little recourse for those landowners owing land outside the subdivision who use the road; however some landowners have paid some portion of the impact fee.

A motion was made to direct the Board to investigate the county permit value of Mr. Richard Rhoads's house and then soliciting him in a friendly manner to pay additional road impact fees if what he has already paid is not proportionate to what other landowners in the subdivision would have to pay for an impact fee on a new house. The motion was seconded and upon vote the motion passed.

John provided a summary about the revisions to the CCRs. The revisions reflect advice from the Board's attorney to be consistent with State statue and no new substantive changes were made. John described the specific changes (see CCRs on the website for there specific changes) and included allowing vegetation to be removed for fire protection purposes; clarification to allow the Board better enforcement of architectural guidelines for construction within the subdivision; specify authorization for the Board to purchase office supplies for conducting business; clarified that the Board may go up to a maximum amount for annual dues as set by the membership, but that the Board does not have to ask for this maximum amount; memorialized and clarified the collection of special assessments (non-recurring) that is commonly known as the road impact fee; clarified priority of lien rights; clarified that expenditures for maintenance of road and bridge during the winter season cannot exceed 30% of the budget; and clarified how the bylaws are implemented.

### **Bylaws**

John provided a summary about the revisions to the bylaws and stated that the bylaws do not need to be voted on with a ballot in the same manner as the CCRs. The changes are minimal. On page 4: clarification of when the Board meets and that there will be a notice posted three days prior to the meeting (and posted on the website); on page 5 paragraph 3.8: the annual assessment billing shall be made 30 days prior to the due date (this was a change enacted in 1992 and is now being

incorporated into the body of the text); paragraph 4.0 clarifies language about the road impact fee to be consistent with the CCRs; paragraph 5.8 clarifies and makes more explicit home design requirements consistent to what the subdivision has been operating by in the past; paragraph 6.0 clarifies responsibility of damages brought about by unusual utilization of the bridge; clarification for allowing consolidation of lots and payment for annual assessments for combining lots (the owner would still have to pay two assessments if, for example, the landowner combined two lots). These are the only changes. There was a question about section 2.7 and 3.8. The Board can only raise the dues 20% from the previous year or up to a cap set by the membership with out approval of the membership. A motion was made by Marie Kolkhorst to pass the bylaws. The motion was seconded. The motion passed unanimously.

A notary arrived to notarize the ballots to approve the revised CCRs and voting by those attending the meeting.

### **Financial Report**

Chip Burkett presented the financial report. Chip handed out the profit and loss statement for fiscal year (calendar year) 2007. Also, included were the current year's statement through 2008 and the current month of July (see attached). The big item for the winter account was an expenditure of approximately \$9,000 for snow removal. Chip commented that some landowners made additional contributions to help pay for snow removal. The current balance between the general account and winter account is approximately \$10,000; which includes payment of \$6,000 for asphalt repairs to the main access road. Nearly \$600 had been contributed (voluntarily by individual landowners) to the fish fund for stocking of the pond and river. There was a question about payment by Subdivision 1 and how many lot owners made payments for the annual dues. Chip responded that 6 of 8 made payment. There was some discussion about how snow removal was managed and that at one time the Board had considered a special assessment. Barbara Wickman recapped the road work that had been completed and stated that the roads are in currently in good condition. A motion was made to approve the 2008 financial report as presented. The motion was seconded. The motion passed.

### **Bridge Work on County Road 501 at Bear Creek**

Aaron McKelvey (O: 382-6379 or M: 759-8237), engineer with La Plata County, presented the plans for replacing the bridge across Bear Creek on CR 501. The project will begin in early September and will continue for approximately two months. A temporary bridge over Bear Creek will be constructed on the west side of CR 501. The new bridge will be a precast concrete bridge. The contractor will work 6 days a week. CR 501 will be reduced to one lane and a temporary traffic light will be installed to regulate traffic during periods when construction is not taking place. During construction hours there will be flaggers. The plan is to reduce the grade on Ludwig Drive somewhat and repave it approximately 100 feet back from CR 501. There will likely be traffic delays of up to 10 minutes, including between the hours of 730-830 am and 430-530 pm. The engineer recommended leaving a little earlier because of the necessary delays. A comment was made to better position the sign on CR 501 indicating the turn off to Ludwig Drive. The engineer stated he would look into alternate locations for the signs. There was a question about increasing the width of Ludwig where it meets CR 501, and the engineer responded that the grade prevented any widening of Ludwig. However, he did state that the drop off on the south side will be reduced. The engineer stressed being patient and that they are doing everything they can to make for a smooth project.

### **Old Business**

Approval of 2007 Annual Meeting Notes

The meeting notes from the 2007 Annual Meeting were reviewed. John Wickman made a motion to approve and Diane Shipman seconded the motion. The meeting notes were approved without changes.

Barbara Wickman thanked Jim Clay for his efforts in stocking the pond through the fish fund. She reminded members that guests can not fish alone but need to be accompanied by a lot owner. Money for the fish fund does not come out of the General Account. Chip Burkett stated that \$600 has been voluntarily contributed to the fish fund and donations are always welcome (send to PRRLOA Board Treasurer). A question was asked as to whether the pond is a certified pond or a private pond. If it is a certified pond because it receives fresh water from the river, than a fishing license would be required to fish. Barbara stated that this will be an issue for the new Board to determine.

#### Weeds

Barbara emphasized the importance of controlling thistle (purple headed flower), oxeye daisy (white aster looking flower) and butter and eggs (yellow toadflax, looks like a snap dragon). Controlling weeds is a county requirement. Some discussion followed. For problem areas or lots, landowners can call Rod Cook, Weed Coordinator with the county.

#### Roads

John Dustin stated that the road needs additional work (\$6,000) and there is only approximately \$10,400 in the general fund, which does not leave much money for other maintenance or snow removal. He recommended that a special assessment may be necessary. John Wickman commented that the subdivision should spend the money now on road work improvements. There was some discussion about the purchase of equipment to allow the members to complete road maintenance. The drag road grader purchased by the subdivision has paid for itself. There was additional discussion about cutting the high grass around curves and intersections. These are directional points for the new Board.

There was additional discussion about spending money on road repairs. A question was brought up about an engineer report completed a few years back about paving the road and what the status was. John Dustin responded by stating the conclusion at that time was that the road traffic did not warrant paving beyond the bridge. However, we now may be at the point where the membership should seriously consider paving the interior roads. Barbara stated that a paving job of that magnitude would require taking out a loan and having a lien placed on everyone's house. The cost of interior paving would likely exceed \$400,000.

A motion was made by Rob McLaughlin to spend \$7,000 on road maintenance in the next six months. The motion was seconded. A question was asked as to which section of the road would be maintained. Barbara asked if Rob wanted to clarify his motion to be more specific or leave it up to the new Board's discretion. Rob stated that he would not modify his motion and instead leave it up to the discretion of the Board. John Wickman suggested that the motion should be amended to state that the Board will spend a minimum of \$3,000 and up to \$7,000 for road repairs. Rob agreed and amended his motion. The amended motion was seconded. The motion passed.

There was a question as to having the Board reconsider paving of the interior roads. A motion was made to direct the Board to investigate the cost and methods for paying for paving the roads and share that information with the Board. The motion was seconded. The motion carried with 2 opposed votes. A straw vote was held to see who was in favor of paving the road and it appeared that a majority were opposed.

A question was brought up about the condition and placement of signs and whether the signs were going to be replaced. The Board at this time does not have any plans to work on the signs. Also, address signs are available for free but the landowner must pursue the signs with the planning department at the county.

An inquiry was made about the emergency access. John Dustin responded that he got the names and addresses for every landowner between the subdivision and CR 505 to the south. At Fire Chief Graber's request, John drafted a letter for him (fire department) to send to each landowner. John then met with Chief Graber and the assistant fire chief, and then followed this with a second visit and phone calls. Nothing has been done. The letter stated that if the landowners to south would give PRRLOA an emergency access, then PRRLOA would give them emergency access to the north.

Richard Diedrich discussed fire mitigation and defensible areas. Richard is the Fire Wise Ambassador for our neighborhood. In our neighborhood there are a number areas that need mitigation from fire, such as controlled burns or cutting. Richard pointed out that the controlled fire this spring near the pond became very hot and highlights the need to reduce fuels. The Board thanked Richard for his efforts and supports more fire mitigation.

### **Election of Officers**

The following were nominated as officers for the new Board in 2008-2009:

Chip Burkett  
Melissa Kaufmann  
Stephanie McCain  
John Wickman  
Rob McLaughlin

Nominations were closed. A motion was made to approve these five individuals for the new Board. The motion was seconded. The nominees were elected.

Submitted by Andy Young, Board Secretary