

**STAGECOACH PROPERTY OWNERS ASSOCIATION**

Meeting of the Board of Directors  
Resort Group Conference Room  
Steamboat Springs, Colorado  
May 13, 2017

Board Members Present: John Troka (President), John DiNicholas, Zed Ogle, Barbara Houston, Art Fine and Tom Watts.

Management Present: Bryan Ayer, Association Manager

Owners and Guests Present:

Rob and Connie Walker – Morningside  
Seann Conway – South Shore  
Grant Hewins – South Shore  
Jason Spalten – South Shore  
Bryant Scrafford – Black Horse II  
Dianne Emert – Remax Steamboat  
Julie Bohnhorst – South Shore  
Laurie Peter – South Shore  
Jason Spalten – South Shore  
Crystal Kish – Townhomes

John Troka called the meeting to order at 9:03 am.

With 6 Board Members attending, a quorum was present.

**Approval of Board Meeting Minutes and Ratifications:**

Ratification of March 14, 2017 email decision regarding NRSNG contract

A motion was made by John Troka via email to approve project/reserve funding not to exceed \$12,000 for wildfire mitigation efforts to be conducted by Natural Resources Solutions Group consistent with their proposal submitted on February 17, 2017. Mitigation efforts consist primarily of burning slash piles nearest residences and those with a negative visual impact from accessible roads in and around Black Horse I and II, Overland and Sky Hitch. In addition the "community burn pile" located in the Sky Hitch common area near the Nordic Trail parking lot is to be burned. The email motion passed unanimously with all Board members voting.

**Motion:** Tom Watts made a Motion to ratify the email motion from March 14, 2017. Art Fine seconded. The Motion passed without dissent.

Approval of February 4, 2017 Board Meeting Minutes

**Motion:** Tom Watts made a Motion to approve the minutes as written. Zed Ogle seconded. The Motion passed without dissent.

**Member Comments:**

Seann Conway of lot 33 South Shore expressed his interest in the open Board position. There were no other comments at this time.

**NOTE:** Due to the majority of guests at the meeting attending for particular subjects of discussion, the agenda was altered.

**Old Business:**

**Access to BLM public land via South Shore:**

An owner's informational meeting and feedback session was held on April 8, 2017 regarding access to a Bureau of Land Management (BLM) parcel that borders SPOA common area as well private lots that lie at the top East corner of the South Shore subdivision. Currently there is no designated and legal public access point to the BLM property in the South Shore area. However, the general public has created an illegal access point at this location resulting in increased traffic, illegal parking on the public roadways and private property, and trespassing on private property. To address some of these concerns, the BLM proposed a solution which involved creating a public access point in South Shore which would cross the Association's common area and lead to a small parking area on the BLM property.

Discussion took place among the Board members and then was opened up to the attendees for feedback. John Troka discussed a conversation he had with Tom Effinger, the Routt County Surveyor, regarding the access to the BLM property and concerns around the general survey in the area as well as the access point being one single point. Mr. Effinger had stated that a single point does not represent access which is supported by the BLM website and that although the area had been surveyed by Four Points Engineering for SPOA, the BLM would need to survey the area as well. This particular BLM parcel currently has three other public access points where it adjoins the Colorado State Wildlife area, Forest Service land as well as the Stagecoach State Park Land.

Tom Watts updated the Board on discussions he had with Craig Preston, the Park Ranger for Stagecoach State Park, concerning a possible access point and trail that connects to the Elk Run Trail that runs around the lake of the State Park. The access point would be across the dam from a currently existing parking lot. A trail head could be established approximately a ¼ mile down the trail.

Discussion moved to whether or not to work on an easement to grant public access through the common area. Currently the access is via a dirt road that passes on the common area and then through private lot 78. John Troka spoke to the responsibility of the Association to protect its property right and

that SPOA will have to work with the individual lot owner if they want to block access on the two track as it runs through his property and it will be his decision to allow access or not through that point.

John Troka read an email received from a South Shore lot owner that was in support to grant an easement so the public can have access and a safe road and that a parking lot be built on the BLM property.

Art Fine stated that if the access to the public was to be closed off, that signs would be needed to tell people where else they can go to access this piece of the BLM with clear explanations.

John DiNicholas supports blocking off the public access and keeping the access for SPOA members. He also questioned whether or not the public access question should be put to a vote of the owners.

Tom Watts felt that SPOA should not be granting public access to SPOA property or through SPOA property anywhere in the community.

Member Sean Conway spoke to how he feels that there is already more use in this area and public access would only increase traffic. He is supportive of implementing some type of community pass for Stagecoach members.

Member Grant Hewins was supportive of blocking public access and feels that it is not SPOA's responsibility to tell folks where other access points are.

Member Bryant Scrafford stated that the current access is through a private landowner's lot and SPOA should close off the access point through the common area and shouldn't be involved with the lot owner's decision as the decision is his.

Member Jason Spalten discussed how much traffic he sees up there currently. He approximates 5 cars drive up the double track during hunting season with more cars parked at the bottom. He imagines access is anywhere from 5 – 10 parties a day. In the summer, he only sees one or 2 cars a week and they mostly park on the road. He has accessed the area from the Sarvis area for hunting season and doesn't feel that the other accesses should able the public to access the BLM parcel. He stated that building a parking area would encourage people to use it and eventually that area would need to be expanded in the future for more vehicles.

John Troka then asked the Board if anyone wanted to make a Motion to grant public access. As no Motion was made, the Board then discussed options to limit unauthorized public access beyond the signage that is currently in place.

**MOTION:** Tom Watts made a Motion that SPOA contract with a vendor to be selected jointly by our managing agent and Board members Art Fine and Thomas Watts, to place large rocks on common area C

at South Shore in such a way as to prevent motorized vehicles from crossing the lot to travel from Shoshone Way to the adjacent BLM parcel, provided that:

- 1) Although SPOA will manage the project, SPOA will contribute only \$800 or 50%, whichever is less of the total cost of the project.
- 2) The balance of the total cost will be paid by lot owners at South Shore.
- 3) SPOA will not enter into a contract for the work until it has received cash in the amount of the portion to be paid by South Shore lot owners.
- 4) The work, to the extent feasible, will be coordinated with the owner of Lot 78, which is located adjacent to common area C.

There was no second for the Motion and the Motion was not voted upon.

**MOTION:** Tom Watts made a motion to build a three (3) sided buck rail fence to enclose SPOA common area 3 with an opening for pedestrian and bike access for cost not to exceed \$3,000. Zed Ogle seconded. The Motion passed without dissent.

The Board instructed the Association Manager to contact the owner of Lot 78 to discuss the access issue, feedback from the Association members and the actions the Board is taking to limit illegal public access across its common area.

#### South Shore Electrical Infrastructure Project:

Tom Watts presented updated information regarding the possible use of the Declaration amendment to fund the construction of a main electric line serving some of the lots in South Shore. Since the Board meeting on February 4<sup>th</sup>, Tom Watts has gathered more information and adjusted the overall scope of work. Mr. Watts's new proposal is to get the electrical line started up Shoshone way. The line currently ends at the sewage treatment plant. YVEA Three (3) phase would be necessary up Shoshone to Arapahoe. From there the line would change to single phase. The single phase line would then continue up to the SPOA common area between lots 166 and 167 and then continue up to MF lot 20, MF lot 33 and lot 34, owned by Mr. and Mrs. Yapoujian. In order to bring the line to those lots the Yapoujian's are willing to contribute to the overall cost.

The proposed total project cost is \$115,402. The Yapoujians would contribute approximately \$22,625. Mr. Watts would also like to use approximately \$45,000 from the South Shore Restricted Funds. That would leave a total balance of \$47,777. The remaining balance would be assessed to the 12 lots that would benefit from the construction of the line at an approximate cost of \$3,981.

Research needs to be done in regards to the ability of the South Shore Restricted Funds to be used for a capital improvement other than roads. There was also discussion regarding if the Restricted Funds can be used for an electrical project, whether or not all of the funds should be used on this particular section. The argument was that since this three (3) phase line was the required backbone infrastructure

for an electrical system capable of serving the entire subdivision, all of the funds should be allowed to be used in full since eventually everyone could benefit from the enhancement. John Troka will work with the manager to verify the ability to use the South Shore restricted funds for purposes other than road projects. There would also need to be a utility easement granted to YVEA to allow them to cross a common area with the proposed electrical line. The project needs to be completed by November 1<sup>st</sup>, 2017 otherwise the project estimates will no longer be valid.

#### Board Vacancy:

At the Board meeting on February 4, 2017 The Board tabled their selection of a candidate to fill the vacant position as they decided they would like to speak with the potential candidates. There were three potential Board candidates that attended this meeting and spoke with the Board. Rob Walker is an owner in Morningside, Seann Conway is an owner in South Shore and Crystal Kish lives in the Stagecoach Townhomes. Although Crystal spoke with the Board, she is not currently an owner within SPOA and therefore does not meet the requirements to be a Board member.

**MOTION:** Tom Watts made a Motion to appoint Rob Walker to the vacant Board position. John DiNicholas seconded. The Motion passed without dissent.

**Note: Barbara Houston left the meeting at 12:40. With 5 of 9 board members still present, a quorum was maintained.**

**General Business Summary:** Bryan Ayer provided an update on Association business matters.

Ski Trail Parking lot on Stirrup: The buck rail fence surrounding the parking lot is in disrepair and there are broken sections and sections missing. As the lot is used frequently in the winter months it would be recommended to establish the lot with a newer fence. This area is also where the community burn pile is located. The manager presented an estimate from Keller Contracting for \$1,300 for a new buck rail fence. Tom Watts expressed that if the fence was to be replaced he would like it to be a more permanent split rail fence. Once the new fence was established, signage would be installed, possibly just on the back of the current ski trails sign, educating owners about what materials are allowed to be dumped and that illegal dumping will be prosecuted. The manager was directed to come back to the board with a new proposal.

Coyote Run Landscape Contract: The manager presented the 2017 landscape contract for Coyote Run. There were no changes to last year's contract.

Annual Meeting Location: The Board previously discussed holding the 2017 Annual meeting in the Stagecoach community. The manager presented a cost estimate of \$4,100 from Colorado Event Rentals for a large tent, chairs and generators for power. The location was to possibly be at the bottom of the Stagecoach Ski Area. As the ownership of this location at the time of the annual meeting is uncertain,

the Board decided to hold the 2017 Annual Membership meeting at SOROCO High School as it has in previous years.

ACC/CCR/Rules: The applications to the ACC have been diverse for 2017. There have been 3 house applications, 1 shed and 1 fence application as well as 1 house addition and one garage addition.

Summary of Violations: Bryan presented a summary of ongoing violations. As it is only spring, there have not been any new violations. The manager has been reaching out to some owners, whom he has received complaints about or have their lots in disarray. The feedback and cooperation from these owners has been acceptable and several lots have been cleaned up as requested. One lot in Black Horse II has been under scrutiny for years and the manager has reached out to the county for help with enforcement. The County has a meeting set up with this owner and Bryan will keep the Board posted on the progress.

Accounts Receivable: The A/R currently shows 388 lots that owe a total of \$58,950 as of May 9m 2017. In comparison on May 9, 2016 there were 413 lots that owed a total of \$53,674. Of the 9 owners for which foreclosure action was previously approved, two owners have paid in full and one is making payments under an approved payment plan. The Association's legal counsel continues to move forward with foreclosure on the remaining six owners.

#### **Treasurer's Report:**

Current Financials through March 31, 2017: John DiNicholas presented the financial report.

**Total Cash** at the end of March was \$522,522 of which \$157,889 are restricted road funds held for Horseback, Morningside and South Shore.

**Accounts payable** at the end of March was \$4,298.

**Operating income** for the first 3 months of 2017 was \$25,909. This amount reflects net operating assessments of \$28,144 and \$78 in other income which is predominately late fees. It is important to remember that although the Association bills and collects its annual assessment once per year, the operating income is recognized ratably throughout the year.

**Operating expenses** for the same period totaled \$23,611 and include such items as management fees, professional services, such as accounting and legal expenses, meeting and member communication costs and common areas maintenance costs for the park and Nordic trail. All line items are running within budgeted amounts. As of March 31, 2017 the net operating fund surplus was \$2,297.

**Project/reserve income** reflects \$28,144 from annual assessments and \$78 in interest for three months of 2017. Year-to-date project/reserve spending was \$37. It was noted that most of the project/reserve costs are incurred in the months of May through October when the work is performed.

**Restricted Funds income** reflects \$39 of interest income earned on funds held. There are no year-to-date restricted fund expenses.

Accounts Receivable – Collections: Accounts Receivable as of March 31, 2017 was \$67,797.

**New Business:**

Summer Wildfire Mitigation Proposal:

Bryan Ayer updated the Board on the completion of the initial NRSB contract to burn long standing slash piles as well as the community burn pile. NRSB spent 159 man hours burning 21 piles this past winter/spring. The Board then reviewed and discussed the NRSB contract proposal to prepare remaining slash piles for burning during the upcoming winter/spring season. The work to be performed is primarily the consolidation or separation of existing piles to allow for more efficient, effective and safe burning of the piles. NRSB will also clean-up previously burned piles and bury stumps and other debris as needed.

Motion: John Troka made a motion to approved \$19,975 of project/reserve funding for the purpose of completing the wildfire mitigation activities outlined in the May 11<sup>th</sup> NRSB project proposal. The motion was seconded and passed without dissent.

**Note: Art Fine left the meeting at 1:20 p.m. With only 4 of 9 board members still present, a quorum was no longer maintained and business could no longer be conducted.**

In accordance with CCIOA item 38-33.3-309 Quorums (2), Unless the bylaws specify a larger percentage, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast fifty percent of the votes on that board are present at the beginning of the meeting or grant their proxy as provided in Section 7-128-205 (4) C.R. S.. The provision for a Board member to vote by proxy must be provided in the bylaws, which the SPOA bylaws do not.

Discussion continued revolving around the subjects of 2017 Board election, the replacement of culverts at Whiffle Tree and Shay Way as well as the possibility of introducing a new amendment to the Declarations concerning horses and small animals. However without a quorum, no more Motions were made.

**The Meeting was adjourned at 2:30 p.m.**