

# ***Bear Creek Property Owners Association***

## ***Annual Meeting Minutes***

7/18/2015

### **I. Call to order and welcome**

President Russell Cowman called to order the regular meeting of the Bear Creek Property Owners Association at 9:04 a.m. on 7/18/2015. Russell introduced the board and extended a special thank you to Gary Ochsner for his 10 plus years of serving the community. The conference line was active but no one announced attending. Bob Edwards announced that the Association had a quorum requirement of 45 members to be present by proxy or in person. The number of members at the annual meeting was approximately 72 estimating some duplicates. Therefore a quorum had been reached. The final count of members present by proxy or in person was 76. Russell provided a summary of the agenda and highlighted the issues the Board addressed over the past year. These key issues were focused on the ongoing maintenance of our infrastructure which includes fences along the national forest, gate and road maintenance. The recurring theme is the Association is constantly challenged to expand their maintenance obligation and therefore increase the cost of operating the Association as often the vacant lots are not maintained to the same level as the developed lots. Russell closed by saying that we will have time in the agenda to discuss this issue in more detail.

### **II. Approval of the minutes from the 2014 Annual Meeting**

Having previously distributed 2014 draft minutes Bob Edwards requested a motion to approve the minutes as distributed. Denise Fietek made the motion and Nicole Wooldridge seconded the motion. The minutes were approved.

### **III. Treasurer's Report**

Gary Ochsner provided the treasurer's report. Gary reported that 97 property owners paid their annual dues on time. 20 members paid their dues late and no late fee was assessed. We now have 12 delinquent members. Gary asked the association if we needed to be more stringent to collect the dues. Nichole Wooldridge recommended an escalating fine for late payment. The Board asked for a show of hands indicating agreement with an escalating fine for late payment on a 30 / 60 / 90 day basis. The majority voted in favor of adopting the rule. The Board agreed to finalize the decision in a subsequent Board Meeting.

Gary reported that the Association spent \$2821.50 on Prairie Dog control. Bob Edwards added that the investment has paid off and that the Board believes we are now in a mode of maintenance.

Gary also noted that we were able to put \$37,800 towards our road maintenance reserve bringing the total to \$150,015. This is money that the Association is building to ensure we have saved sufficiently to pay for the maintenance of our asphalt. It is not intended to address unexpected expenses.

There was a brief discussion about our back gate. Bob Edwards reported that the gate had been sabotaged and that we were trying to determine the extent of the damage. Bob explained that this is not the first time this has happened and asked the Association if we should consider closing the back gate permanently. There was general discussion which raised concerns about preventing residents from using the back gate as an emergency exit. Bob said we would repair the back gate. Nicole Wooldridge recommended placing a surveillance sign and a camera. The Board agreed to review the options for installing surveillance capability at both gates.

Bob asked for a motion to approve the 2015 – 2016 proposed budget. Denise Fietek moved to accept the 2015 – 2016 budget and David Price seconded. The budget was approved.

#### **IV. Nominations for the Board**

Russell explained that the Association had 3 open Board seats and asked Bob to describe the voting process. Bob explained that the majority of our membership had voted by mailing in their ballots but asked those present to listen carefully to each candidate that is present at the meeting and to submit a new ballot if there was a need to modify their previously submitted ballot. Bob also indicated that the Kings were both on the ballot and that according to our bylaws only one can serve on the Board at a time because a single lot can only occupy one Board seat. Bob announced that we need a Secretary and Treasurer and asked everyone to support the community by voting for candidates who are willing to serve in these positions. Russell then opened the floor for each candidate present to address the association. Russell Cowman, Bob Edwards, Kathy King, Carl King, Jack Wilson and Nicole Wooldridge each addressed the meeting.

Bob asked if there were any additional nominations from the floor. Hearing none the election was closed, the ballots collected and Denise Fietek left the meeting to count and validate the election results.

#### **V. Committee Reports**

Dan Street provided the Architectural Review Committee report. He started by providing a short review of the parameters for seeking ARC approval which includes almost anything that impacts the visual appearance of the lot. Dan reported that over the past year all open projects had been completed except for

one. The Obermeier project on lot 113 was delinquent with the completing of their project but had worked with the ARC and was now back on track.

Allen Valentine asked the ARC the purpose of not approving a well or electricity without construction plans for a primary residence. Bob said that this issues was on the agenda under the new business section but was willing to open the floor to the discussion. There was 20 minutes of conversation about the issue. The floor was closed to any further discussion and the Board asked for a show of hands indicating that the Association would support the Board implementing a rule that prevented the connection of a temporary structure or vehicle that is used for the purpose of camping to electrical, sceptic or water while camping on the lot. The majority of the members voted to support the Board with this action. The Board agreed to address the issues as part of their next Board meeting.

Dan then provided a real estate update informing the Association that 6 homes have sold with a sale price from \$330k to \$650K. This makes the price per square foot range from \$167 to \$280. There are currently 12 lots for sale ranging from \$39k to \$139k.

#### **VIII. New Business**

Bob explained that SLVREC is offering a Broadband fiber optic solution that is targeted to be in Bear Creek very soon. Both Denise Fietek and Nicole Wooldridge had researched the topic and provided updates. While there are some complications with Rio Grande County, Bear Creek has available conduit that was installed for this very purpose. SLVREC needs an additional 3 or more individuals to sign up for the service to guarantee installation in the next few months. The Board asked the Association to support this effort where possible. The website is [www.ciello.com](http://www.ciello.com). You can sign up directly from the website.

Bob reminded everyone that we had addressed the camping issues earlier in the meeting and there was no reason to expand on the issue here. Bob then opened to floor for discussion about expanding the Associations financial responsibility to repair and maintain the fence on the west national forest border and maintain all ditches including the removal of willows that are not on the Associations easement but are damaging our roads. The logic is that vacant lots are mostly not monitored or maintained which has a negative impact on the community as a whole. There was approximately 15 minutes of discussion.

Bob asked for a short recess so that the Board could have an executive session.

After a 10 minute recess Bob called the meeting to order and announced that Bob Edwards, Russell Cowman and Kathy King had been elected to serve on the Board for a 2 year term. He thanked the association for their support of this process.

The prior discussion regarding the Associations maintenance obligations was reopened. The Board asked for a show of hands for those willing to allow the Board to forecast the cost and legal implications of adopting the maintenance obligations and support the adoption if the expense could be managed within an annual fee structure commensurate with other area communities. The majority voted in favor of the Boards action and the Board agreed to address this at their next meeting.

C.J. Fietek addressed the association regarding a new development project that will convert 58 acres, located south of Bear Creek between US 160 and the Rio Grande River, into Park Lots, Cabins and RV lots. The development may include commercial lots, an amphitheater and boat ramps to the Rio Grande. Several property owners in the area have raised concerns about the noise, wildlife preservation and potential impact to property values. He asked anyone having concerns about this development to contact Tom Acre the interim Town Administrator. Tom can be reached at P.O. Box 369, South Fork, CO 81154. His phone is 719-873-0152. The Board agreed to research the development.

Bob asked if there was any new business to discuss. Hearing none Russell closed the meeting.

## **IX. Adjournment**

Without any further items to be discussed, CJ Fietek moved to adjourn the meeting. The motion was seconded by David Price and the meeting adjourned at 11:34.

Minutes submitted by: Bob Edwards, Secretary