Minutes from BOD Meeting of May 8, 2025

Meeting called to order at 6:07pm

BOD Members present: Gary Mohr, President; Kerry Manneck, Vice President & Treasurer; Theresa Majka, Secretary; Jim Bauer, Grazing Chairperson. Mike DiLisa CC&R Enforcement & ARC Chairperson is on the call in.

Approximately 11 homeowners were present at the meeting and approximately 20 homeowners were on the call in.

We do have a quorum. Minutes from the March 12, 2025 BOD meeting was approved.

Gary thanked Jim & Theresa for picking up trash outside the BMR perimeter fence along CopperGulch & Reed Rds.

Treasurer Report: Kerry Manneck reported Current balances: Checking $80,617; Savings $22,633; CD $8,115 Checks written over $200: Legal $1580; Legal $546; Payment to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grazing Report: Jim Bauer reported that there are currently 59 head of cattle on BMR. All 4 wells available to cattle are working.

Gates: Dave Valentine was not present at meeting. This is his report: April 10th it was reported that the Reatta gate was slow to open. A temporary battery was put in and the existing battery was put on a slow overnight charge. It would not hold a charge and was replaced on April 16th with a new battery. On April 15th the pivot points and the gate arms on all the gates were lubricated, the battery fluid was checked, and the operation of the gates was checked. This past few months, temporary codes have been assigned, and use of the form has seemed to work out for people. No problems have been reported with its use. I made one change to the original form stating that the code would be available by 8am of the day requested unless they “X” the line indicating that it is needed earlier. Respectfully submitted, David Valentine

Unfinished Business: CC&R Updates – Gary gave a bit of the history – BMR since it’s inception in the 1990’s has not allowed an owner to operate a home business. The previous BOD wanted to allow some businesses that wouldn’t bother neighbors. On April 22, 2025 one owner informed the BOD that there is a CO State Law, signed into law in April, 2024 and took effect in Aug, 2024, which says an HOA cannot prohibit a home business in an HOA. Gary has talked to Planning & Zoning in both Fremont & Custer County, and they are not quite sure about how the State Bill affects the County Resolutions. Fremont & Custer have different Rules & Regulations. Custer cannot restrict 4-H or daycare. Custer can restrict Short Term rentals. If a home business has at least one employee or generates traffic, a special use permit from County is required. Custer County is very vague on Ag restrictions. Gary will try to get in touch with CSU extension for more information. Chris Mohr said the HOA can make stricter rules which must be filed in the Courthouse.

One property owner mentioned that Fremont County does have a noise/nuisance ordinance, but that Custer County does not. Theresa pointed out that the State of CO does have a noise/nuisance ordinance.

Another property owner suggested that it is common sense that neighbors respect their neighbors. The only issue they have experienced in 17 years in BMR is the disturbance caused by a property owner allowing her dog to bark at the expense of neighborhood quiet and serenity. (Paragraph II of the State Bill states that the operation of a home-based business in a common interest community must comply with, and an association may adopt and enforce, any reasonable and applicable rules and regulations governing architectural control, parking, landscaping, noise, nuisance, or other matters concerning the operation of a home-based business) Kerry Manneck pointed out that our CC&R’s do have restrictions for noise, odors & keeping land in its natural state, keeping dogs under control, and that we may not necessarily need new rules, but that we do need to enforce the rules we do have.

Theresa clarified that the rule for keeping dogs on leashes is so that the dogs don’t chase/harass the cattle. In CO a rancher can shoot a dog that is chasing/harassing the cattle. Gary brought up that CO Parks & Wildlife can also shoot a dog that is chasing/harassing wildlife. Theresa also noted that barking dogs is the most common complaint in an HOA.

 Another owner pointed out that nuisance barking is a CC&R violation. Dogs that bark incessantly, even if the dog is a working dog, should be addressed. The barking should be sporadic & short term. Dogs that bark incessantly are a violation.

Question: what problems are the BOD was trying to solve with CC&R revisions?

Answer: Gary said the BOD wanted to allow some types of home business, but also wanted to lime what business would be allowed. The BOD wanted to restrict a business that might interfere with neighbors right to enjoy their property. Gary isn’t sure if our attorney was aware of the new State Bill which says an HOA cannot restrict a business. The BOD found this disconcerting. The BOD is concerned about overgrazing in BMR.

Question: does the law define what a home-based business is vs a regular commercial district?

Answer: Gary said so far it doesn’t appear that there is a sharp line between the two.

Question: can the HOA ask an owner to submit an impact statement to the BOD before opening a home business?

Answer: Gary stated that we don’t know the answer to that.

Question: does a County have recommended guidelines associated with handling of byproducts of livestock on a property.

Answer: Gary said that as far as he knows, they only respond to complaints through animal control.

Question: did the BOD get feedback related to the proposed CC&R changes & if so what was the feedback?

Answer: Gary said people complained about the dogs on leashes.

Question: where do we draw a line – what do we permit & what do we not permit?

Question: is the BOD considering a committee to come up with guidelines & come up with a proposal, define what happens next?

Answer: Gary said there were 5 owners on a committee that came up with what the BOD thought was a good definition, but legal didn’t agree so she made revisions. Another person then asked a question, so Gary didn’t get to answer the original question.

Question: is there an issue or things that are existing that are causing problems?

Answer: Gary said one of the responsibilities of the BOD is to protect property values of owners & that overgrazing a property would be a detriment to all properties.

Question: suggestion made that the BOD ask the owners, send out a survey asking if owners see overgrazing in Beckwith & if so, do they have a recommendation.

Answer: Gary said that was the reason the BOD sent out the proposed revisions to CC&R’s.

Kerry reiterated that the BOD needs to enforce the rules we have rather than creating more rules.

Two owners requested that discussion about our legal representation be added to the Annual Meeting Agenda.

Jon Gaulding offered to meet with the BOD to discuss some of the issues talked about at the meeting.

An owner suggested that the owners read the County Zoning Resolutions for both Custer & Fremont County.

Mike DiLisa suggested a committee to look at the old CC&R’s, the amendments etc and revise everything. Mike also suggested we contact our lawyer to see if we can get some free legal advice – and if not, we should look for a new lawyer.

Gary said the BOD hasn’t yet decided how we are going to deal with this.

Three steps were suggested to try to resolve the CC&R issues:

1. Contact legal to clarify the new laws related to a home-business.
2. Make sure we have the most current zoning resolutions & sit down with Planning & Zoning to clarify any issues.
3. Send a summary of that information to HOA owners and ask for input.

Gary asked if anyone had any other new business to discuss. None mentioned.

Motion to adjourn was made & seconded.

Meeting adjourned at 7:49pm.

Theresa Majka Secretary BMR BOD