

**HPRA Member Meeting Minutes
September 27, 2014 10:00 am Cedaredge Community Center**

Richard Neier called the meeting to order, quorum confirmed

In attendance:

**Diane Keune (Board Member)- 1
Steve (Board Member) and Debbie Morris - 1
Clayton Frazier - 1
Dawn Sudmeier - 1
Robert & Diane Foster - 2
Reese (Board Member) & Julie Wagner (Secretary) - 1
Aaron Wagner (Vice President) - 1
Richard (President) & Lisa Neier - 2**

Represented by proxy:

**Steve & Tammy Clough - 1
Ed Seubert Trust, U/A - 14
Mike & Shirl Zubowitz - 1
Nassimbene Family Investments, LLC - 1
Robert Nassimbene - 1
David Seubert - 1**

30 of 51 members represented (58%)

**Larry Serr (Treasurer)
John Baier (Attorney)
Lucinda Stanley (Realtor)**

Vote on accepting the 2013 Meeting Minutes

Dispensed with reading of the minutes from the last meeting. Dawn started a discussion to change the minutes at the paragraph labeled "Trail access issue and potential need for legal funding in 2014". At the point "further discussion ensued",

- **MOTION - Dawn moved to strike out the phrase "further discussion ensued" and insert "Sandra stated that the High Park Road Association has no legal standing in the trail access matter. It is the responsibility of the individual owners. Dawn talked about her conversation with the Delta County Administrator, Robbie LeValley. Ms. LeValley said that the County staff were conducting an in-depth search for a legal, public document that would prove that the trail is a county road." Clayton seconds Dawn's motion, vote was unanimous. Dawn's motion carried. Minutes were approved as amended.**

Discussion Items

Dawn began with a discussion regarding the date dues are to be paid. She wants to move it to May 1 because of conflicts with paying property taxes at the same time. Clayton pointed out that the motion for the February 1 due date has already been voted and approved. Dawn was concerned about late fees or liens. Larry and Julie both confirmed the assessing of late fee/liens are waived as long as the member in question at least responds favorably and works with the board.

Discuss road maintenance and completion

Larry reported that to date we have spent \$8,442.50 on road work completed by Richard Belden

Reese and Aaron discussed the condition of the road, it is in good shape but the lower end has bad washboards. The lower end of the road gets more traffic. Reese Wagner will grade lower end tomorrow if it rains. Discussion regarding using remaining balance in budget allocated for roads to hire Richard Belden to grade lower end before winter. Has a contract to do the rest of the work

Dawn mentioned rocks on Early's side of the road by her lot. She felt those rocks should be taken out of the ditch. Reese explained that those rocks were placed there for a reason. It keeps the ditch from falling in and washing out in high water.

There was further discussion regarding the process of taking care of the road from the mailboxes to the lodge. The process of blading, grading, watering and compacting a road. William's Creek Rd. and Squirrel Rock Rd. needs work because it is a low traffic area so the brush is allowed to grow more freely than in other areas of road in the association. Cutting the brush is an option for the larger oak brush. Another option discussed was contacting Pestaway Spraying about adding more attention to the roads that don't get as much traffic. The need to assign a board member to get an estimate to spray extra on those roads approximately 2 extra miles was discussed.

- MOTION - Clayton moves to contact Pestaway for early spraying on those areas - Steve Morris seconds, vote unanimous. Motion carried.

Gate Discussion

Richard Neier announced that it was his trailer that caught and mangled the gate, he will have it installed as soon as repairs were completed

Clayton started a discussion regarding the need to build a **larger turnaround** at the gate. HPRA will need to get an estimate for the cost of a turnaround. Reese and Aaron were thinking it would be around \$3000-5000.

- MOTION - Clayton moves to build a bigger turnaround at the gate. Reese seconds, vote unanimous, motion carried.

Discussion turned to thoughts on **posting a sign** at the mailboxes "Locked gate ahead - no turnaround. No access to National Forest or BLM". Diane Foster mentioned that signs really hadn't helped when posted in the past

Aaron mentioned having **ID cards** to post in vehicles, especially around hunting season. Thoughts of implementation included photocopying and laminating cards to distribute or sending an email directing members to the website and having the individual print them out. Steve Morris agreed to check into the logistics of an ID card.

Review of Accounting Reports

MEMBERS WERE PROVIDED WITH A CURRENT BALANCE SHEET, CHECK REGISTER, PROFIT AND LOSS STATEMENT AND A PRELIMINARY BUDGET FOR 2015. (attached)

Larry began the discussion by informing the Association of a possible surplus in the 2014 budget of about \$3,800 by the end of the current year. Regarding the Surplus line item, The estimated surplus in the bank account is \$9,156. That is the estimated surplus going into 2015. There would be a possible deficit in the Road Work account by the end of the year if HPRA were to hire Richard Belden to grade the lower end of High Park road. Right now there is a balance of \$5,121.50

Regarding the balance in Accounts Receivable of \$175. This is the balance due from the 2014 assessment from Aaron Fosler. Aaron has indicated he would pay by the end of this week. There was discussion that if the assessment was not paid by 2/1/15 that HPRA should file a lien. There was discussion regarding the amount of assessments of past years: 2013 - \$250, 2014 - \$350.

- MOTION - Dawn moved to approve accounting reports, Clayton 2nd - vote was unanimous. Motion carried.

2014-2015 Budget

The consensus was that the goal was to have a surplus of \$10,000. Reese said we need to have increase assessments to buy more gravel. Dawn said that there had been maintenance and that the roads were inspected before being accepted.

The estimated surplus at the end of 2015 would be about \$9,000, but if 2,600 more is spent on roads before the end of this year (2014) then the estimated surplus would be 6,400. **9,000 - 2600 (more for roads in 2014) = \$6,400.**

There was discussion on how much surplus would be reasonable, indication from this discussion was that it was about \$10,000. Larry indicated that an assessment of \$425 per unit would be needed to create a surplus of about \$10,000 in 2015. The option of increasing the assessment to \$425 was discussed.

Reese mentioned that HPRA needs to start thinking about having the roads re-graded. This situation is the result of our roads going with spotty maintenance. Reese and Aaron discussed that the budget for roads should be increased as well. After discussion the members decided to increase the roads budget from \$11,000 TO \$12,000.

- MOTION - Reese moved to increase the 2015 assessment to \$425. The increase in the assessment (+\$75/lot) will be issued to add to the Surplus account to buy gravel. Clayton Seconded the motion, vote was unanimous. Motion carried.

Larry explained to the HPRA that the preliminary budget for 2015 was \$17,850. The increased budget for roads will make it \$18,850. The estimated surplus will be \$9,000, instead of \$10,000. Some line items were adjusted up or down without changing the total budget of \$18,850.

- MOTION: Clayton moved to accept line item adjustment to the budget for 2015 as discussed, Reese seconds the motion. Vote was unanimous, motion carried.

RV / Bylaw Issue

Julie read the Attorney's/BOD's suggested revision to Article IX. Restrictions on use of units Section 1. (see below)

.... No structure of a temporary character, trailer, mobile home, recreational vehicle, mobile living unit, basement, tent, shack, garage, barn, or outbuilding shall be parked, placed or erected and occupied as a residence, either temporarily or permanently, upon any lot covered by these covenants; provided, however, that any mobile living unit or recreational vehicle in the possession of parties visiting owners of any one or more of the lots covered by these covenants, may be parked upon the lot of said owners and occupied for a period not to exceed sixty (60) days in any calendar year. ~~also provided, that any owner(s) may occupy a mobile living unit or recreational vehicle on their own lot for a period not to exceed (120) days in any calendar year.~~ **This restriction does not apply to lot owners.** This restriction shall also apply to double-wide mobile homes designed for permanent attachment to the land; but shall not apply to modular homes which otherwise comply with the restrictions imposed by this Article IX....

Richard Neier introduced John Baier as the new HPRA attorney to the members

John Baier advised the members of the need to be very clear with undefined terms which are open to interpretation. For instance, the term "RV" is not in the Bylaws. Also, the term "mobile living unit" mentioned in the bylaws is different in 2014 than in 1994. Other items needing to be clearly addressed is how this paragraph applies to owner as opposed to guests.

Something of this importance needs to be voted on with at least 67% of the membership present. (58% represented at this meeting) Voting by mail is an option to avoid convening another meeting, Dawn suggested a conference call.

Dawn voiced her fears that a change to the language referring to mobile living units in the bylaws would eventually result in the decrease of our property values. She stated that she knows of four realtors who would agree.

Clayton mentioned he knew Ed Seubert was OK with seasonal use of RVs

Dawn stated that the vote was not unanimous at the last meeting, (9/28/13), regarding the RV issue. The last paragraph where it states the vote was unanimous to direct the board to amend the bylaws regarding the RV issue, is in error. Dawn states she did not vote for the motion (- 7 votes).

The question regarding property values was put to Lucinda Stanley, realtor by Julie Wagner. She stated that she has already lost a sale based the vagueness of the bylaws as written. She further stated that she couldn't see how campers would affect property values.

License to water users

John Baier will draft a legal document for the water-users to access their ditches. Aaron agreed to be his contact person regarding this issue

Follow-up to Granby Trail issue

Dawn reported that the county states they cannot find legal document pertaining to open access to the Granby Trail. This case is officially closed..

It was Reese's opinion that the county government has deemed it too costly to pursue. and felt that if they were to open access to the public it would be easier for them to acquire our roads instead. He thought this was something HPRA should be aware of in case this comes up in the future.

Dawn submitted a newspaper article referring to the closure of this issue. Julie asked Dawn for a copy to add to HPRA records

Gates Subdivision

Dawn reported that the subdivision request submitted by Kathy Gates had been withdrawn. Discussion included references to the HPRA Articles of Organization filed with the Colorado Secretary of State. John Baier stated he will research the process of subdivision as it applies to the High Park Road Association.

Elect 3 board members

- Lisa Neier nominated Clayton Frazier. He declined
- Dawn nominated Robert Foster Diane Kuene seconded, vote was unanimous
- Diane Foster nominated Reese Wagner, Lisa Neier seconded, vote was unanimous
- Diane Keune nominated Steve Morris, Clayton Frazier seconded, vote was unanimous

Overview of projects for John Baier, Attorney

- Define specific language regarding RV issue in the bylaws
- HPRA license for water users
- Research process of subdivision
- Discussion on getting records from previous attorneys: Sandra Nettleton, Jim Brown

Richard Neier adjourned the meeting at 12:30

Minutes submitted by Julie Wagner

**NOTICE OF ANNUAL MEETING
TO THE MEMBERS OF
HIGH PARK ROAD ASSOCIATION**

NOTICE IS HEREBY GIVEN that the annual meeting of the members of High Park Road Association will be held at the Cedaredge Community Center, 140 NW 2nd Street, Cedaredge, Colorado, on **September 27, 2014** at the hour of **10:00 a.m.** Following is a tentative agenda:

- Elect three board members for new 3-year terms.
- Levy assessments for maintenance of the High Park Road.
- Discuss road maintenance and completion.
- Discuss 2015 Budget
- Transact any other business that may properly come before the meeting.

DATED at Cedaredge, Colorado this 3 day of September, 2014.

Julie Wagner, Secretary

P R O X Y

I hereby appoint _____ to represent me and to vote as my proxy with power of substitution at the annual meeting of the members of HIGH PARK ROAD ASSOCIATION to be held on September 27, 2014, at the hour of 10:00 a.m., and at any and all adjournments thereof.

DATED: _____, 2014.

Signature of Member

Address

IF YOU WILL NOT BE ABLE TO ATTEND THE MEETING, PLEASE EXECUTE AND RETURN THIS PROXY TO:
High Park Road Association
PO Box 272
Cedaredge, CO 81413
Email toomanydogs44@juno.com

Revision to HPRA Minutes 2013

Sandra stated that the High Park Road Association has no legal standing in the trail access matter. It is the responsibility of the individual owners. Dawn talked about her conversation with the Delta County Administrator, Robbie LeValley. Ms LeValley said that the County staff were conducting an in-depth search for a legal, public document that would prove that the trail is a county road.

FUTHER DISCUSSION

TRAIL IS A COUNTY RD

HIGH PARK ROAD ASSOCIATION
PRELIMINARY BUDGET FOR THE YEAR 2015

INCOME		
Assessments- 51 x \$350	<u>\$17,850</u>	<u> </u>
EXPENSES		
Roads- maintenance/improvement	11,000	<u>12,000</u>
Minutes- preparation	250	<u>250</u>
Weed spraying	2,850	<u>2,850</u>
Insurance	1,700	<u>1,900</u>
Legal fees	500	<u>600</u>
Accounting and reporting	1,150	<u>1,150</u>
Office expenses	200	<u>100</u>
Contingency	200	200 <u>200</u>
Total expenses	<u>18,750</u> 18,850	<u>18,850</u>
BUDGET DEFICIT/SURPLUS FOR 2015	0	<u> </u>
PROJECTED CASH BALANCE/SURPLUS AT 12-31-2014	<u>9,000</u>	6,400 → <u>15,400</u>
SURPLUS-CARRYOVER TO FUTURE YEARS	<u><u>\$9,000</u></u>	

2,600 projected for roads get into 2014

\$6,400

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09/26/14
Accrual Basis

High Park Road Association
Profit & Loss Budget vs. Actual
January through September 2014

	<u>Jan - Sep 14</u>	<u>Budget</u>	<u>\$ Over Bud...</u>
Ordinary Income/Expense			
Income			
Assessments	17,850.00	17,850.00	0.00
Late payments income	5.00		
Total Income	<u>17,855.00</u>	<u>17,850.00</u>	<u>5.00</u>
Expense			
Accounting and reporting	0.00	1,150.00	-1,150.00
Contingency	0.00	200.00	-200.00
Insurance	1,792.00	1,700.00	92.00
Legal fees	0.00	500.00	-500.00
Minutes-preparation	0.00	250.00	-250.00
Office expense	7.00	200.00	-193.00
Road Construction & mainten...	8,422.50	11,000.00	-2,577.50
Weed spraying	2,512.00	2,850.00	-338.00
Total Expense	<u>12,733.50</u>	<u>17,850.00</u>	<u>-5,116.50</u>
Net Ordinary Income	<u>5,121.50</u>	<u>0.00</u>	<u>5,121.50</u>
Net Income	<u><u>5,121.50</u></u>	<u><u>0.00</u></u>	<u><u>5,121.50</u></u>

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09/26/14
Accrual Basis

High Park Road Association
Balance Sheet
As of September 26, 2014

	<u>Sep 26, 14</u>
ASSETS	
Current Assets	
Checking/Savings	
Surface Creek Bank	10,464.18
Total Checking/Savings	10,464.18
Accounts Receivable	
Accounts Receivable	175.00
Total Accounts Receivable	175.00
Other Current Assets	
Deposit-Clay and Dodson	1,000.00
Deposit-Town of Cedaredge	75.00
Total Other Current Assets	1,075.00
Total Current Assets	11,714.18
TOTAL ASSETS	<u>11,714.18</u>
LIABILITIES & EQUITY	
Equity	
Principal/equity	6,592.68
Net Income	5,121.50
Total Equity	11,714.18
TOTAL LIABILITIES & EQUITY	<u>11,714.18</u>

High Park Road Association

9/26/2014 3:26 PM

Register: Surface Creek Bank

From 01/01/2014 through 09/26/2014

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
01/14/2014	1065	Briscoe & Associates, PC	Accounts Payable	invoice dated 10-...	975.00	X		8,697.68
01/15/2014		Assessments	-split-	Frazier and Osborn		X	350.00	9,047.68
02/02/2014		Assessments	-split-	record checks rec'...		X	2,350.00	11,397.68
02/02/2014	debit	Assessments	Deferred income	offset for checks ...	2,350.00	X		9,047.68
02/10/2014		Assessments	-split-	Assessments		X	5,250.00	14,297.68
02/10/2014	1066	Glenice Kathryn Gates	Assessments	refund overpaym...	5.00	X		14,292.68
02/28/2014		Assessments	-split-	Assessments		X	2,400.00	16,692.68
02/28/2014		Assessments	Undeposited Funds	Assessment		X	350.00	17,042.68
04/01/2014		Assessments	-split-	Assessments		X	3,175.00	20,217.68
05/09/2014		Edward G. Seubert	Undeposited Funds	Partial payment		X	1,000.00	21,217.68
05/22/2014		Assessments	-split-	Acton and Foley		X	700.00	21,917.68
05/22/2014	dep	Abram M. Acton	Late payments income	Deposit		X	5.00	21,922.68
05/30/2014		Assessments	Undeposited Funds	assessment		X	350.00	22,272.68
06/01/2014	dep	Assessments	Assessments	Deposit		X	350.00	22,622.68
06/07/2014		Assessments	Undeposited Funds	Seubert		X	1,000.00	23,622.68
07/07/2014	1067	R. E. Belden Construction	Road Construction & mai...	invoice 14015	8,422.50	X		15,200.18
07/07/2014	1068	Pest Away Spraying	Weed spraying	invoice 46726	2,512.00	X		12,688.18
07/11/2014		EdSeubco Trust	Undeposited Funds	assessment-final ...		X	900.00	13,588.18
08/15/2014	1069	Robert Frey	Payable to Robert Frey	Refund duplicate ...	350.00			13,238.18
08/31/2014	1070	Julie Wagner	Office expense	Reimburse-Room...	7.00			13,231.18
08/31/2014	1071	Town of Cedaredge	Deposit-Town of Cedaredge	Food \$50.00 and ...	75.00			13,156.18
09/04/2014	1072	Clay and Dodson, P.C.	Deposit-Clay and Dodson	Retainer	1,000.00			12,156.18
09/12/2014		Michael Zubowicz	Undeposited Funds	Remainder of ass...			100.00	12,256.18
09/26/2014	1073	American Family Insura...	Insurance	Commercial gene...	262.00			11,994.18
09/26/2014	1074	American Family Insura...	Insurance	Officers and Boar...	1,530.00			10,464.18

3:59 PM
09/26/14
Accrual Basis

High Park Road Association
Profit & Loss Budget vs. Actual
January through December 2013

	<u>Jan - Dec 13</u>	<u>Budget</u>	<u>\$ Over Bud...</u>
Ordinary Income/Expense			
Income			
Assessments	12,750.00	12,750.00	0.00
Total Income	<u>12,750.00</u>	<u>12,750.00</u>	<u>0.00</u>
Expense			
Accounting and reporting	1,180.00	1,000.00	180.00
Contingency	0.00	800.00	-800.00
Insurance	1,675.00	1,800.00	-125.00
Legal fees	975.00	500.00	475.00
Office expense	69.00	200.00	-131.00
Repair and Maintenance	97.08		
Road Construction & maintenance	9,538.05	10,830.00	-1,291.95
Weed spraying	2,512.00	2,200.00	312.00
Total Expense	<u>16,046.13</u>	<u>17,330.00</u>	<u>-1,283.87</u>
Net Ordinary Income	<u>-3,296.13</u>	<u>-4,580.00</u>	<u>1,283.87</u>
Net Income	<u>-3,296.13</u>	<u>-4,580.00</u>	<u>1,283.87</u>

County sees no stake in old Granby Trail

BY HANK LOHMEYER

Staff Writer

The question of whether a local historic route known as the Granby Trail is public or private won't be decided by the Board of County Commissioners. The BoCC voted that it would take no position in the matter of whether the route from Coalby Canyon to the Granby Reservoirs is the county's.

Staff research turned up "no direct evidence of a legal, public document" establishing the trail as a

county road.

Earlier this year a resident of Cedaredge raised the issue when he decided to ride his horse on the Granby Trail. He had heard about it from friends and found it on maps.

Once on the route he encountered locked gates and "No Trespassing" signs. He went to the county with a question: Is the trail public or isn't it?

A community meeting convened Sept. 8 by the Board of Commissioners was attended by some 30 people including lifelong residents of the area, family members, public lands users, irrigators, people with historical knowledge of the area and current property owners.

Government maps dating as early as 1912 and 1908 show the Granby Trail, the commissioners were told. It was historically used for moving cattle and for other economic enterprise. It was said that in years past, perhaps on more than one occasion, the county cut locks and removed gates that had been blocked the route.

There is now a residential development in the area and the trail crosses what private parcels of land. The trail has been closed at various times and is gated now, it was reported.

It was said the Granby Trail route was the subject of two county road petitions, the earliest in 1906, and thus the trail is county-owned. Some added that the county still owns the trail unless it has been officially vacated. Old county road petitions do not show up in residential title searches, an attorney at the Sept. 8 meeting said. "You have

the making here of a fine lawsuit that could go on for quite a little while," the attorney said.

The county had been asked by some individuals to open the trail; others at the Sept. 8 meeting simply wanted to know the legal status of the trail. Homeowners bought property there expecting privacy, and they now fear that hikers, horseback riders and ATVs would disturb the peace if the Granby Trail was permanently opened.

Although the county has no ownership interest in the trail, others are not precluded from seeking legal remedies if they want to try and have the route declared a public thoroughfare.

*Delta
County
Independent
11/2013*