

2023 ANNUAL MEETING MINUTES

Miller Canyon Ranch Homeowners Association, Inc.

May 25, 2023 @ 6:00p.m. – 640 Belford Avenue. Meeting called to order by Mark Shoberg, HOAServices
3:30PM

In Attendance Board	Proxies	Management- HOAServices
Brant and Lori Westermire		Mark Shoberg
Bronwyn Malott		Cayce Haren
Charles Crawford		
Charles (Chaz) Evanson		
Craig Holm		
Danielle Simpson		
Janelle Westermire		
Keith Walker	6 proxies received.	
Mike Muller		
Markus Oharek		
Michael and Terri Kohnke		
Todd Fosbenner		
Tom Cronk		
Christi Walker (zoom)		
Michael Sullivan (zoom)		

With 6 proxies received and 15-unit owners present, it was announced that quorum had been achieved.

Introductions

Mark Shoberg (hereby referred to as Mark S.) introduced himself as being with HOAServices, and Cayce Haren introduced herself as being with HOAServices.

The Board introduced themselves:

Charles Evanson

Mike Muller

Tom Cronk

Approval of 2022 Minutes

Lori Westermire brought up some concerns regarding the 2022 minutes.

1. Under the seconded amendment where it stated: “New Declaration: \$2,500-\$3,000 to change. Tom agrees to pay for the declaration change. Motion: Tom Cronk Second: Danielle Simpson Didn’t pass”
Lori asked that there be some clarification on this, and it be amended.
 - Wording for the amendment “Tom Cronk requested a motion to terminate the current association declaration as it stands in exchange for a road agreement.”
2. The budget section was left completely blank.

Mark S apologized about the 2022 minutes as the manager that did the 2022 minutes is no longer with us.
Mark S. asked for a motion to approve the 2022 minutes.

Mark S asked for a motion to approve the 2022 with the amendment above.

First motion: Keith Walker

Second motion: Brant Westermire

None opposed.

2022 minutes approved with amendments.

Discussion on New and Old Business

Mark S. opened the discussion for old and new business.

- Chaz opened with what was discussed at last year's meeting.
 - CC&R’s
 - Proxies: Guest House and Short-Term Rentals
 - The gate
- Chaz opened the discussion on snow plowing of the roads in the association. He said that they did not take a vote last year on who plowed the roads but need to take a vote this year. In the past it has been Keith, Tom, Brant, Jason, and Chaz. These are community volunteers.
 - One option would be to look at a commercial option with JB and son. This option would cost \$75.00 per hour. Based on the road it can take anywhere from 2-3 hours to plow. Looking at around \$225.00 per snow event. Standard that he doesn’t plow unless there are at least 6 inches of snow.
 - Typically, we vote on who does the plowing and those owners pay their HOA fees and then get reimbursed for their time. Which is \$400.
 - But that doesn’t really cover the costs.
 - Chaz proposed a plan of paying the volunteers \$100.00 per snow plow operation. With no fuel or maintenance cost added.
 - Flat rate (could increase due to inflation)
 - Plowing starts at the turn around at Tom’s house and goes to 16 ½ rd.
 - One owner mentioned that they think it is only right that the HOA plow down to Harumi driveway as she is a member of the HOA and pays her dues.

- One owner proposed that two people should plow together in case someone gets stuck. Meaning that the HOA would pay \$200.00 per snow event.
- The question was asked if this route would create a 1099?
 - Yes, if you make \$600+ you have to report it to the IRS.
- The question was asked if insurance would be needed?
 - The HOA has insurance for General Liability and D&O covering up to \$1,000,000 each.
 - Currently the insurance does not cover personal vehicles.
 - This could be added at an additional cost/ higher premium.
- One homeowner suggested to have Webber clear the snow with a backup person, have the right equipment, with an 8ft plow, and insurance.
 - Mark S stated that he would have to refer back to The Board on this point as \$200 per snow event is the cheapest in town.
- Discussion on 2008 snow
- One homeowner discussed that depending on the costs we may have to raise the HOA dues, if we are going to go with a different plan for plowing.
- One homeowner discussed how the community needs to work together.
- Discussion on whether we hire JB.
 - \$75.00 per hour is cheap.
 - May have to wait several days before the roads get plowed.
 - If contracted could be faster
 - Some places the snow drifts get too high that you can't wait.
 - If JB has to have his son come out that will be an additional cost
 - This option isn't completely feasible.
- One homeowner asked about the international dump truck with the plow on it.
 - Has the HOA considered contracting to use it or buy it?
 - Two-wheel drive, disaster even with chains on it
- Chaz brought up that in the past there was a discussion about the HOA having its own snow plow.
 - Sounds great in theory.
 - Who would maintain it?
- Discussion on vehicles going off the road this last winter.
- Chaz discussed how we need to be proactive.
 - Chaz discussed how he spent many hours cleaning/mucking out culverts as many of them are filled with silt.
 - The ditches on the side of the road need to be maintained (Main Effort)
 - Need reflectors on the side of the road so that people don't go into the ditch or by the culverts.
- Discussion on possible HOA work day
 - HOA purchase culverts that need to be repaired/replaced (possible assessment)
 - Work with the Elk reserve and other associations to fix culverts that are shared.
 - **Tasks are to clear ditches for proper run off and repair culverts.**
 - The two options are we can do it ourselves or hire a contractor.
 - Create road committee.
 - Need t-posts to mark culverts (something bendable)
 - One owner brought up that the road committee needs to be decided by July.
 - The owner mentioned that in the 2020 minutes it talked about getting gravel for the road.
 - Need to get gravel by Fall.
- Discussion on snow plowing costs again.
 - Commercial vs. Community volunteers
- Road committee
 - Charles (Chaz) Evanson
 - Brant Westermire
 - Keith Walker

- Dave Mallott
- Markus Oharek
- Tom Cronk
- Mike Kohnke
- Mike Muller
- Owners discussed and decided to have community volunteers continue with the snow plowing.
 - Volunteers will receive a \$400.00 credit for their dues, HOA reimbursement for fuel (with receipt) and snow plowing related maintenance (oil, plow parts floats, anything related to plowing) (with receipt) HOA will not reimburse anything related to the mover(vehicle)
 - Snow plowing team.
 - Charles (Chaz) Evanson
 - Brant Westermire
 - Tom Cronk

Mark S asked for a motion on the snow plowing team.

First motion: Markus Oharek

Second motion: Mike Muller

None opposed.

- Lori Westermire stated that the community needs to realize, understand, and appreciate that the snow plowing team are volunteers.
- It was mentioned that there is still some money left for the HOA for fire mitigation if anyone needs it.
- First amendment: Guest House’s Article IV, Section 2 to state “A single-family dwelling residence, along with a guesthouse with attached or detached garages and ancillary barns, sheds, outbuildings, shops, and all other uses allowed in AFT Zoning will be permitted. Only the single-family dwelling and an additional guesthouse will be utilized for residency or dwelling. No other buildings will be utilized for human dwellings.”
 - Need 67% or 16 votes to change declarations.
 - Vote
 - First motion: Charles (Chaz) Evanson
 - Second motion: Keith Walker
 - None opposed.
 - Yes: 11 in person, yes: 4 proxies, No: 1 proxy
 - That is 15 for yes, shy by 1 vote.
 - This amendment does not pass.
- Second Amendment: Short Term Rentals amendment to state “All homes and guesthouses will not be used for short-term rentals. The Miller Canyon Ranch HOA will prohibit short-term rentals of less than 30 days. This includes online or onsite, short-term rentals. A lease agreement of more than 30 days can include month to month rental/leasing of a home in the Association. This amendment specifically bans short-term, vacation-type rentals that include multiple visitors coming into the Association to rent for a period of days instead of months.”
 - Vote
 - First motion: Charles (Chaz) Evanson
 - Second motion: Markus Oharek
 - None opposed.
 - Yes: 9 in person, yes: 5 proxies
 - That is 14 for yes, shy by 2 votes.
 - This amendment does not pass.
- Discussion on the first amendment and that there are contradictions in the CC&R’s regarding guest houses.
 - Not enforceable currently
- Discussion on HB 22-1137
 - Changes the way that the CC&R’s can be enforced.
 - How the dues collection is processed

- Chaz mentioned the last things that needed to be discussed before the close of the meeting:
 - If we are keeping Mark and his team
 - Director elections
 - Budget
- Lori Westermire mentioned that she didn't see anywhere on the agenda for a discussion on getting rid of management.
 - It took 67% to hire them, should take 67% to terminate.
 - Don't see a good point to get rid of management.
 - The biggest problem is expenses, need to see the books.
 - Need contact for HOAServices.
 - Mark S discussed that we were with Bray. Bray then sold its HOA division and Mark S, and his wife bought the business and moved to a new location, changing the website to hoaservicesco.com. We are HOAServices.
 - Concern on postcard that was sent out requesting dues in April. Dues for this HOA were always due at the time of the annual meeting.
 - Generic postcards are sent out to all HOA's for the transition and if your dues were owed to send a check instead of automatic payments.
 - Mark S apologized if this caused any confusion.
 - Terri Kohnke expressed displeasure with management due to the following:
 - Mistakes
 - Minutes
 - Budget that was sent out.
 - Mark S discussed that he created the budget and did not hear back from the Board until it was sent out. Poor communication between the Board and management.
 - Mark S explained that this HOA is one of our cheapest monthly HOA's.
 - Provide a place to meet/ be a community.
 - Complete taxes each year
 - File DORA and SOS documents
 - Help with state law changes.
 - Mark S. stated that there would be no hard feeling if you guys went a separate way.
 - Per HOA bylaws management it is The Board's discretion
 - 30-day termination notice
 - The owner thinks that there needs to be a 67% vote.
 - Chaz asked if anyone was opposed to keeping HOAServices for another year.
 - One owner opposed.
 - HOA will Keep HOAServices for another year.

Budget

Mark S opened discussion on the proposed 2023 Budget.

- One homeowner brought up that there is \$2,000 on the budget for the road, is/can that change?
 - Mark S explained that this is just a projection. It is at the discretion of the Board.
- Cash assets were discussed.
 - Mark S stated that there was around \$8,000 in cash assets available.
 - Mark S recommends dues increase in order to fix roads.
 - One homeowner stated that she said that she was seeing \$20,000 cash assets on the budgets that were sent out.
 - Will get with accounting and follow up with the Board.

- The owner noted that dues need to be paid in order to do road work.
- One homeowner said that the Elk reserve was on there and asked if we were still doing maybe flats?
 - Chaz stated that the owners of Mabie flats can use/ access elk reserve rd. because there is no easement road.
 - Can't use our road anymore because they can't use Eddy's property.
 - Using road that the BLM recommended/provided.
 - Is there a contact list of owners that live up there?
 - Old files
 - Is there a contract that shows by lot/address?
 - Might be in the BLM documents.
 - Discussion on BLM Lease
 - First mile of road is HOA responsibility to maintain.
 - This lease has been getting paid November or December
 - Coded under legal on budget.
 - Other legal expenses are DORA and SOS
- Have not raised dues since 2019 do we want to discuss.
- It was noted that we have \$20,000 in assets currently and once dues are paid, we will have around \$30,000.
 - Mark S stated that it would be less due to the operating account, but that there is a substantial reserve.
- Chaz discussed that to maintain the HOA it is really not that much except in off years when there is substantial snow and repairs that have to be made to culverts, but Lori's plan to phase the repairs and not do them all at once could benefit the HOA.
- Chaz asked if anyone was in favor of increasing the HOA dues to anything more than \$400 for future road maintenance sustainment.
 - Unofficial Yes: 7 No: 6
 - Mark S noted that in 2021 the HOA spent \$20,000-21,000 on road repair and maintenance.
 - Need gravel this year.
 - Could also specially assess owners.
 - Do we need a 67% vote to increase dues?
 - Mark S read section from association documents "The budget is ratified by the Board and is automatically approved at the Annual Meeting, whether or not quorum is achieved, in accordance with the Declaration, Art. IV, Section 5 and the Colorado Common Interest Ownership Act (CCIOA), C.R.S. 38-33.3-303(4)(a)."
 - One owner asked if we could see how much it's going to cost and then decide on a special assessment.
 - Could have a special meeting for this reason?
 - Hard to get people together outside of the annual meeting.
 - All work will be done in house.
- Chaz asked for a motion to approve the budget as it stands with dues being \$400.00 per lot.
 - First motion: Tom Cronk
 - Second motion: Brant Westermire
 - None opposed.
 - 2023 Budget passes

Elections

Mark S. opened the 2023 elections. All position open for a 1-year term

- Charles (Chaz) Evanson for President
 - First motion: Lori Westermire
 - Second motion: Keith Walker
 - None opposed.
 - Charles (Chaz) Evanson for President 2023-2024
- Lori Westermire for Vice President
 - First motion: Janelle Westermire
 - Second motion: Keith Walker
 - None opposed.
 - Lori Westermire for Vice President 2023-2024
- Bronwyn (Brownie) Malott for Secretary
 - First motion: Lori Westermire
 - Second motion: Brant Westermire
 - None opposed.
 - Bronwyn (Brownie) Malott for Secretary 2023-2024

Adjournment

- Discussion on Gate
 - Might keep some people away.
 - Approved in the past, maybe \$5,000 set aside.
 - Chaz mentioned that he is in favor of the gate, but not the maintenance.
 - It was noted that delivery drivers have noted associations with a gate have better roads.
 - The Board will assess after culverts are completed and see how much a gate will cost.
 - Assess costs and potentially have a special assessment.

With no further business to discuss, Mark S. asked for a motion to adjourn the meeting.

- First motion: Bronwyn (Brownie) Malott
- Second motion: Keith Walker
- None opposed.

The 2023 Annual Meeting was adjourned at approximately 8:36 p.m.

Lori Westermire

Signature

J June 14, 2024

Date