

South T-Bar Ranch Board of Directors' Minutes April 26, 2003

In attendance were the following members: Mark Trotta, Ann Julian, Tom Gore, Sam Knopp, Rick Bottle, Wayne Herbert and Tim Anderson. Also in attendance were Betty Sue Cornella, Candi Knopp and Brad Julian.

I. CALL TO ORDER

The meeting was called to order by Mark Trotta who announced a quorum of Directors were present.

II. POA MEMBERS

No POA members spoke to the Board at this meeting.

III. MINUTES

The March minutes were discussed and changes made accordingly. A motion was made by Sam for approval of the March minutes as amended. Dean seconded the motion. The motion carried unanimously and the February minutes were approved.

IV. OLD BUSINESS

A. Road Maintenance Contract

Ann Julian contacted Ron Walker about why the quarterly road maintenance seems to be on hold. Walker replied that he was waiting on moisture. Walker did offer to do it dry but he says that causes too much dust, which blows away and creates more ruts.

Ann informed Walker that the roads need to be done before the annual meeting and asks the Board to decide if the roads should be done wet or dry. Mark indicates that this should be taken up under the topic of managing Ron Walker's activities.

Ann notes that some culvert and road repairs have not been done as well as might be expected and that some roads need re grading. Mark responds that while we would all like ideal road conditions, we must also have realistic expectations of what can be done, but that in his opinion (Mark's) the roads are in better shape than they have ever been.

Ann asked Walker about the drain pipe damaged during plowing and if he could get it fixed. Ron has agreed to fix the problem, and requests that people place their driveways on flat, straight areas, and add tall reflectors so that they can be seen by the plow crews through the snow.

Ann noted that she explained to Ron about the telephone pedestal damaged during plowing. Ann contacted Qwest and they have been out to look at the pedestal. The wiring is fine inside and they will come out and replace the box. They are also going to put a marker pole on top of this box so this will not happen again. However, Qwest indicates that it will take a while before repairs are made since this is not an emergency. Ann does not believe that the phone company will charge for the repair. If the repairs are not done by mid May Ann will contact Qwest again.

Mark states that we need to take proactive measures to protect culverts, phone equipment, and other equipment or fixtures which might be damaged by plowing.

A motion is made by Mark, seconded by Sam, as follows:

- a) That a 'full blown' maintenance run be made on all the roads prior to the annual meeting.
- b) That the Board authorize the hauling of water as is necessary to complete the maintenance of the roads before the annual meeting.
- c) That the Road Committee develop a plan for the maintenance of roads by working with Ron Walker to review the property.
- d) That the Road Committee develop a list of items on the ranch which need to have protection from plowing and maintenance.

A discussion of the motion ensued. Mark supports doing all of the roads, first reviewing what needs to be done, then prioritizing the order in which it should be done. Sam notes that preventive maintenance of problem sections is cheaper than major repairs to the roads, but agrees with Mark's approach to road maintenance.

Ann asks about the problem areas, first asking about when they will get done, and secondly, if Walker should not take a more proactive role in taking care of the problem areas on the property. Mark and Sam both respond that the Road Committee should prioritize them first, then get them done. Mark suggests that the Road Committee should walk the property with Walker, and Sam suggests that this be done with a color coded map to highlight the problem areas.

Sam then responds to Ann's questions about Walker by stating that it is really the Board's management decisions as to what should be repaired and when, and that Walker is not in a position to guess what the Board needs or wants.

Discussion on the motion ceased, and a vote was taken. The motion passed unanimously.

The members of the Road Committee want clarification that their role is to expedite the task of road maintenance and that they are not the complaint department. Mark made the following statement of intent: "If there are

complaints regarding the conditions of the roads, or any other maintenance, they are to be brought before the Board of the South T-Bar POA, and not the Road Committee or any other committee that may be formed for maintenance." The Board members unanimously approved by acclamation this statement of intent.

B. Fire Fighting Utility System

Rick presented the fire report. The fire truck has been repaired and tested in accordance with Federal regulations. The truck will be moved onto the property within a week, or two at the most, barring complications from the weather. The truck cannot be moved to the shed until the heaters are operational, since water in the truck can freeze.

The heaters in the fire shed have been paid for but are not yet hooked up to the propane. Rick noted that it was easy to do, and that anyone could do it, but that it should be done by a licensed professional since this is an item requiring a permit. Rick also noted that the entire project is still under the allocated budget and will still be that way, even if additional monies have to be allocated to make the heating system operational.

Rick reported that it takes nearly 40 minutes for a fully loaded water truck to drive from the front gate to the Trotta's property, which is the furthest of any from the front gate. This is because the fully loaded water truck is very heavy and can only proceed slowly on mountain roads. Rick also noted that the time from the new fire garage to the Trotta's location was about 15 to 20 minutes. Either way, Rick noted that it takes time to move the water truck, and therefore it is imperative that the TVFD be called at the first sign on smoke.

C. Fremont 600 Issue

Sam indicates that the Hickeys have withdrawn their request for annexation, and unless the Board elects to vote otherwise, the POA will no longer pursue any aspect of the annexation of the Fremont 600 area. He has drafted a letter to the parties affected by this decision, which essentially states the same as above. The letter also notes that Tom Gore is the contact person for the Board, should any Fremont 600 owner wish to continue to pursue the matter of annexation. The Board agreed by acclamation to follow Sam's recommendation.

Betty Sue obtained a copy of the annexation agreement. Our attorney indicates that this legally ties the Fremont 600 area to the South T-Bar Ranch. Betty Sue notes that the agreement requires the yearly maintenance fee paid by the Fremont 600 and that the agreement also specifically notes that the Fremont 600 parcels do not have voting rights. It would appear that the annexation document would have to be modified to allow for voting rights. The agreement also outlines the easements "A" and "B".

A general discussion ensued over the topics of voting rights and road maintenance. It was suggested that there could be two levels of dues: voting

and non-voting. Or, there could be dues levels based upon services: road maintenance only, garbage and mail service, voting, etc. No decisions were reached about dues and voting rights. However, by acclamation, the Board agreed:

- a) Tom will handle all contact with any Fremont 600 owners, and their requests will be processed on a case by case basis.
- b) The issues of the Fremont 600 will be brought up at the annual meeting for any Fremont 600 owners that attend.
- c) The road maintenance called for in the annexation agreements applies to the public roads only in Fremont 600 and not to any private drives which may connect. The Road Committee will evaluate the roads in conjunction with the overall road maintenance plan. (However, the roads will not be improved beyond the condition that they were in when the POA became responsible for them.)

D. Review of Bylaws and Covenants

A combined document showing the changes voted upon at last (March) meeting regarding the annual meeting quorum, plus the proposed changes to various wordings in the Bylaws was submitted by Tim. These changes include removing references to the developer, and standardization of language (such as "POA" in place of "Association"). A motion was made by Wayne, seconded by Sam, that the amendments to the Bylaws be approved by the Board.

Sam noted that the definition of "owner" and "member" were circular in nature, in that owners are defined with the word "owner" and members are defined using the word "member". Besides maybe having legal difficulties, it just is not clear.

Wayne suggested that an owner be defined as "that person or persons who are listed in the real property records of Fremont County for the parcels that are part of South T-Bar Ranch as defined by the various filings." Tim indicated that he would modify the definitions of owner and member to remove the circular references.

Discussion ceased and the motion to amend the Bylaws passed unanimously.

Sam came prepared to discuss the "Covenants Interpretation" that he prepared for motor vehicles and temporary residences. Wayne suggested that due to meeting time considerations that the discussions be moved offline and those who wished to comment regarding Sam's interpretations could do so via email. By acclamation, the Board approved the suggestion, and it was agreed that any Board members with comments or changes should submit their ideas to Sam by Saturday, May 2nd. Sam requested that the emails be framed as three choices regarding how the Board should approach the subject of vehicles and temporary residences, so that these choices could be placed in front of the owners at the annual meeting.

E. Ron Walker's Subdivided Parcels

The original contract, which called for a \$20 fee for maintenance, does not apply if the parcels covered by the contract are sold or subdivided. Thus, the Board is within its rights to seek an increase in maintenance fees.

Al Joga, a buyer of one of the subdivided parcels, objects to paying the full \$395 fee, and states that the contract does not allow him to use any other roads or services at South T-Bar. Tom is going to negotiate the fees with Walker, including discussions of fees for additional services such as garbage and mail, and having the use of the security gate.

F. Annual POA Meeting

Sam reviewed the preparations for the annual meeting. It was reconfirmed that the caterer is reserved and that the meeting will be held at Centennial Park like last year. There will be a limit of six (6) free reservations. More than six are welcome, but will be charged a fee to be determined yet by the caterer. Sam reviewed the contents of the mailing package that will be sent to all owners in the first part of June. Package contents will include:

- Cover letter
- Minutes from the last annual meeting
- Proxy vote sheet for those unable to attend
- Annual meeting agenda
- Covenant interpretations document
- Maps and instructions to the meeting
- RSVP form
- Copy of the revised Bylaws

With respect to the meeting format itself:

- The informal Q&A session will begin at 9 AM, the formal meeting begins at 10 AM, with new Board member elections held towards the end of the formal meeting.
- There will be speakers, from Parks and Wildlife and the TVFD.
- Realtors are welcome to come and mingle with property owners and other guests, but no realtor will speak at the meeting as part of the official process.

The Board members who regularly meet in Canon City agreed that following the May monthly meeting, they will stay over to stuff and address the packages that will be going out to the owners.

G. Accounting

Betty Sue reports that the total balance in the General Fund is \$106,616.76. The Utility Fund balance is \$86,987.05. The POA has \$1,580.00

in unpaid 2003 dues and Utility Fund assessments outstanding are \$3,307.77. Capital Improvements paid out so far for the fire protection is \$16,614.84.

Betty Sue noted that there are still five properties that have not received a utility refund due to non compliance with South T-Bar covenants. Four properties have not paid their 2003 dues (103, 92, 91, 15). Parcel 103 is for sale, and continues to make installment payments on unpaid utility fund contributions, with 7 payments left, but has not paid annual dues.

Wayne asked how property owners who owe money, or are out of compliance with the covenants, are kept from voting at the annual meeting. At the time they register and receive materials, they will be told of any arrearages, other problems, and their voting status. At the last meeting, several owners immediately corrected arrearages.

Betty Sue noted that Ron Walker billed the POA for three extra snow removals for a total of twenty hours. It was agreed by acclamation that the Road Committee would check into this billing as it relates to contractual obligations.

V. NEW BUSINESS

A. Main Gate

The main gate continues to be broken. There are no manuals for the machinery. It appears that the motor has frozen up. With some documentation, it can be replaced. Several options for choosing a contractor were discussed, but no firm selection was made.

Rick made a motion, seconded by Sam, that the Gate Committee be authorized to spend up to \$500 for gate repair. After a short discussion, it was decided that the selection of a repair company would be left up to the Gate Committee, and the motion passed unanimously.

B. Annual Board Meeting

A review of terms of each board member was made. Jim, Mark, Susan, Sam, and Tom have terms that expire this coming June. Wayne, Ann, Tim, Rick, and Dean have one year left on their terms. However, Ann has notified the Board that she intends to resign her position effective with the annual Board meeting, so there will be six vacancies that need to be filled. Mark announced that he does not intend to run for the Board again.

VI. ADJOURNMENT

We have scheduled the next board meetings for Saturday, May 31, 2003, at the offices of Dean and Betty Sue and the annual meeting is scheduled for June 28, 2003 at Centennial Park, both beginning at 9:00 a.m. (mountain time). Jim will draft an agenda and email to everyone. Once Susan receives the agenda, she will post on the web site.

A motion to adjourn was brought by Dean and Ann seconded the motion. The motion was unanimously passed and the meeting was adjourned.

South T-Bar Ranch Board of Directors

Susan R. Revack

James H. Knapp

A. Jurick

Tom Dore

[Signature]

[Signature]

Rick Botts

Lawrence O. Cornells

Mark [Signature]

[Signature] 5/31/03

These minutes were prepared and submitted to the Board of Directors by Wayne Herbert, STB Board Member, on May 31, 2003.

