

# SOUTH T-BAR RANCH Newsletter

A Publication of the South T-Bar Ranch Property Owners Association

Volume 3, Issue 3

August, 2003

Copyright 2003

## Annual POA Meeting Held in Cañon City

The 2003 annual South T-Bar POA meeting was held Saturday, June 28<sup>th</sup>, 2003. Due to the uncertainty of the fire hazard situation at South T-Bar this year, and because of the favorable comments received about last year's meeting, the meeting was once again held at Centennial Park in Cañon City, CO.

There were 53 voting property owners present in person or present by proxy, down from the turnout at last year's meeting. With spouses, children, and invited guests there were about 100 people at the meeting.

The meeting began at 9 AM with an informal discussion session between the Board and the POA members present. This year, the hot topics were the condition of the roads, and the sales of 35 acre (or more) parcels adjoining South T-Bar from properties owned by Ron Walker. Also discussed were improvements to the fire fighting facilities at South T-Bar.

The roads at South T-Bar were in excellent condition at the time of the meeting. There had been sufficient rain to permit grading of roads, recutting of ditches, and various other repairs. A few owners noted that there are continuing problem areas, and one owner expressed concern that grass and weeds had overgrown the roads in some parts.

There was substantial discussion concerning the sales of the land to the west of South T-Bar. Two items were of most concern: That the parcels being sold would not be used in ways to harm the property values and charm of South T-Bar; and the dues that the owners of these parcels should pay to access their property via South T-Bar roads.

The Board noted they have been in contact with Ron Walker, and while several issues have yet to be resolved, Ron had said that the parcels he is selling are covered by the same type of covenants that govern South T-Bar. This was later confirmed by a realtor who is selling some of Walker's parcels.

The formal board meeting began at 10 AM and the business of the POA was conducted. The Board reports are summarized later in this newsletter.

### Board Elections Held

At the POA meeting, ballots were cast for six positions; five of the two year Board terms had expired, and there was one open position due to the resignation of a Board member prior to the expiration of the term.

Prior to the election, Jim Greenwood noted that there had been changes made to the Bylaws which require that any person running for the Board must receive a majority vote of at least 50 percent of the votes of those present and by proxy to be elected. Prior to this change, the Bylaws were silent on the number of votes required to be elected to the Board.

Seven nominations were received, and at the conclusion of voting, six of those nominations received the necessary 50 percent of the vote, and were elected to the Board. During a brief meeting after the election, the new Board chose its officers.

Between the election and the writing of this newsletter, Board member Rick Bottle (not up for election) tendered his resignation. The Board, acting under its powers as designated in the Bylaws appointed another Board member to serve in Rick's place for the remainder of his term. In addition, Wayne Herbert, who had been elected as Secretary, resigned his position, and was replaced through Board action. Your Board members for the 2003-2004 term (along with length of service) are:

Tom Gore, President, re-elected member, one year  
Candi Knopp, Vice Pres., new member, two years  
Dean Cornella, Treasurer, returning member, one year  
Lucy Thurston, Secretary, new member, two years  
Betty Sue Cornella, new member, one year  
Wayne Herbert, returning member, one year  
Tim Anderson, returning member, one year  
Mike Wolfe, new member, two years  
Ginny Merchant/June Greenwood, new members, two years, sharing one Board position  
Virginia Groome, new member, two years

Contact information for these new Board members will be available shortly on the South T-Bar website.

## A Message from Our POA President

The South T-Bar Ranch POA is now into its third year of management by the property owners. With the election of new Board members at the Annual Meeting in June behind us, the administration of new and old Ranch business is underway. Current action issues and topics under review are: Renewal of the Ranch grazing lease, renewal of the current road maintenance contract, moving the STB website to a new server, renewed easement and right of way agreements with the Bureau of Land Management (BLM), upgrading the access easement to BLM land for Ranch owners, and executing easement agreements with new property owners that are adjacent to the Ranch. These may seem to be fairly dry or mundane topics, but they are all essential components to the daily and future administration of the Ranch. Look for more detailed information on these exciting issues in other areas of this Newsletter.

What may grab your interest are the new 10,000-gallon fire fighting cisterns that the Ranch has acquired. An opportunity was presented to the POA to purchase three, used tanks for the cost of shipping. It was an offer too good to refuse. The Board has not currently finalized the plans for the placement or launching of these cisterns into service. However, upon delivery to the Ranch, Dean and Betty Sue Cornella have agreed to allow the tanks to be temporarily stored on their parcel. Further discussions with the Tallahassee Volunteer Fire Department are in progress to determine whose property will be invaded for the installation of the cisterns.

A note of potential concern for the future was the low attendance and representation by proxy at the Annual Meeting. Due to a previous Bylaw revision, the owners present and proxies on hand established a quorum, for the execution of POA business. It may be insignificant to note that there were only 42 of 112 parcels represented in person, but more disquieting is that only 11 Owners had sent in or assigned a proxy, for voting purposes. This is noteworthy in that there will be future business to conduct that will require a majority vote to pass. This majority is established in The Protective Covenants for amending its respective articles. It is too early to determine if there may be such a need at the next Annual Meeting, I will chastise the guilty parties again next year.

For those of you that are in the process of or planning to sell your land at STB, please help to facilitate a smooth transition by passing on your rearview mirror hangtags and gate remotes to the new owners.

*Tom Gore*  
President  
STB Board of Directors

## Covenant Interpretation

One of the more difficult chores of the POA Board is to enforce the covenants regarding how owners may use their property. It is a tight wire to walk. The Board wishes to insure that each owner has maximum freedom to use their property as they see fit; at the same time, the Board is legally obligated to enforce covenant violations which harm other property owners' rights.

Some owners have interpreted the covenants in a manner substantially different than that of the Board, particularly with respect to vehicles and temporary residences. As a result, the Board has produced a formal document which defines how it interprets the covenants at STB. If you, as an owner, have questions about this interpretation, please contact the Board.

### POA Board Covenant Interpretation

It is the responsibility of the South T-Bar Board of Directors to administer and enforce the Protective Covenants that were established to protect and enhance the value, desirability, and attractiveness of the Ranch. As a part of that responsibility, the Board must make interpretations of certain language in the Covenants, taking into account the original intent of the Developer, and to best serve the POA as a whole.

To that end, we are providing our interpretation of two Covenant Articles that have been recently questioned by POA members, as follows:

**"Article IX. Motor Vehicles:** No motorized vehicle which is either non-operational or non-licensed shall be kept on any parcel, unless said vehicle is kept or stored in a fully enclosed building."

**Interpretation:** The intent of this article was to prevent parcels from becoming "automobile junkyards". One vehicle does not constitute a junkyard, but the line has to be drawn somewhere. STB is a mountain subdivision, and, just as we would not want our neighbor in a city to have a broken-down vehicle in their yard, we do not want them here. This ruling applies whether a landowner has built a home on the parcel or if it is still undeveloped.

**"Article X. Temporary Residences:** No structure of temporary character, recreational vehicle, camper unit, trailer, basement, tent or accessory building shall be used on any tract as a residence. Recreational vehicles, camper units and tents may be used for vacation camping for a period not to exceed ninety consecutive days in any calendar year."

**Interpretation:** Different parcel owners have different intents for the use of their property. Some wish to build permanent residences, some only wish to camp or use it for hunting. We all have a desire to protect the beauty and desirability of this Ranch. This article is intended to prevent someone from establishing a permanent

residence in a structure that was not intended for such use. However, it allows "vacation camping" for up to three months, to accommodate those that do not have or do not wish to build permanent residences.

The Board interprets this to mean that a parcel owner may leave a non-permanent dwelling (camper, trailer, tent, etc.) on their parcel for three months in a given year, but then must remove it. The word "consecutive" used in the Article is unfortunate, since it conveys the impression that someone could camp for 90 days, leave for a day, and then come back for another ninety days. This is not a reasonable interpretation, since it effectively renders the Article worthless.

The Board has been asked whether a parcel owner can store a camper-type unit year-round on their property, if it is not technically being "used" more than 90 days. We believe this negates the intent of this article, which is to allow limited camping use. There is little difference to adjacent parcel owners whether a camper is being occupied, or just stored with a tarp over it.

Please note that the Board has ruled to allow owners to live in a camper or trailer unit for up to one year during the construction of their permanent dwelling, as long as a building permit has been issued and the Board has approved the construction plans as required by the covenants. This allowance is subject to any excessive annoyance or disturbance to adjacent landowners, at which time it would have to be reviewed by the board.

## The Final Word On DSL

Many of you may recall that many questions were raised about high speed internet access at South T-Bar. Some had heard that high speed lines were already in place, some realtors said DSL was coming "in the future", and there was the question of just what exactly the developers, Land Properties, had promised.

The Board authorized a study to determine what options were available to STB owners with respect to high speed internet access. The Board contracted with a consultant familiar with installing DSL in outlying areas. This person did much of the work for Ruby Ranch, an outlying area in Colorado that did eventually overcome the hurdles and install DSL in its community.

After reviewing the situation at South T-Bar, the consultant determined that DSL will not be a viable option for the foreseeable future. There are two primary problems. First, although there are fiber optic lines running from Cañon City, the actual installation to each property at STB is copper. It would take more than a \$50,000 dollar investment in equipment in order to make STB compatible with DSL. With so few owners actually living on the ranch, this expenditure is difficult to justify.

Second, in order to have DSL it is necessary to have an internet service provider on the other end; the ISP who

actually provides the connection service. Because there are less than a dozen permanent residents at STB, no ISP is willing to provide service, and the subsidy that would be necessary to support local residents again cannot be justified.

In summary, at this time, DSL service is not available to STB owners. This is not to say that high speed internet service will not be available in the future; new technologies and lower costs may make it viable. The Board continues to explore alternatives to bring high speed internet access to South T-Bar.

## Fire Fighting News

Although STB received quite a bit of rain through June, much more snow and rain needs to fall to alleviate the drought conditions. The area is still very dry. There is no formal fire ban in place, but common sense dictates that STB owners use caution when working with fire. If you've got a controlled burn, let the Tallahassee Fire Department know about it.

If you have built at STB, or are in the process of building, contact the Tallahassee VFD for information about clearing brush and trees away from your home and out buildings. Not only does such a move greatly increase the safety of your home in the event of wildfire, it may also reduce your insurance premiums.

As Tom Gore noted in his President's Message, the Board has purchased three used, 10,000 gallon water tanks for placement on the STB property. After working with the VFD to find the best places to put the tanks, individual property owners will be contacted for permission to place tanks on their property. With these tanks, STB now has a water truck, a fire station, and 6 emergency water supply tanks.

Central to all fire protection and fire fighting efforts in the STB area is the Tallahassee Volunteer Fire Department. The TVFD relies on donations to keep the fire fighting effort going. Even if you do not have a home at South T-Bar, supporting the TVFD is a wise idea. They fight grass and forest fires, and are the first line of defense against fires. They fought numerous fires in the area last year, including some on the ranch itself.

The Board strongly encourages every STB property owner to make a donation to the TVFD. If you have no structure on your property, they ask for \$50/year, and \$100/year if you do. The address is Tallahassee Volunteer Fire Dept, 662 Wapiti Trail, Cañon City, CO 81212, or call 719-276-1691.

The Tallahassee Volunteer Fire Department has a website at <http://www.tallahasseevfd.com/index.htm>. Go to this website to check current conditions and fire restrictions, learn about the TVFD, and see recent fires.

## Board Contact Information

Because we have several new Board members, the Board contact information has changed. Please make a note of the various contact names and numbers.

**Plan Submissions and Covenant Questions:** The POA covenants require that plans for all proposed homes on STB must be approved by the Board prior to the time that construction begins. If you have plans or questions, submit them to: Candi Knopp, 735 South Braun Street, Lakewood, CO 80228. Phone: 303-989-9345. Email her at: [cjk716@comcast.net](mailto:cjk716@comcast.net).

**Change of Address, Phone, Email, Etc.:** Contact our Board Secretary Lucy Thurston, 1045 Golden Hills Road Colorado Springs, CO 80919. Phone: 719-531-0773. Email her at [lucy@covatech.com](mailto:lucy@covatech.com).

**Emergency Contact Information:** To report an event or issue that requires immediate attention at STB, call one of these people who are resident at the Ranch: Pat Trotta (719/275-6285). Susan Revack (719/269-3072). June Greenwood or Ginny Merchant (719-275-0464). If you see suspicious activity, call the Fremont County Sheriff's Department at 719-276-5555. These numbers are NOT general complaint phone numbers, and if you bother these people unnecessarily, bad Ranch Karma will befall you!

**Board Contact Information:** The address of the POA is: South T-Bar Ranch POA, P. O. Box 1431, Cañon City, CO 81212. You may also contact the Board through Tom Gore, 688 Entrada Drive, Golden, CO 80401, Email at [rockyrocks@att.net](mailto:rockyrocks@att.net).

## Pine Beetle Infestation at STB

Numerous pine trees at STB have turned yellow and died, the result of a pine beetle infestation. While not as bad as some areas, the beetles are definitely present at STB. Healthy trees are usually resistant to pine beetles but stress brought on by the drought has made many trees susceptible to infestation.

There is not much that can be done. Individual treatment of trees can run more than \$100 per tree, making treatment of more than a few trees unrealistic. By the time trees turn yellow, it is too late; the tree is dead, AND the beetles will have spread to adjacent trees.

The only effective measure against the beetles is to take out infected trees in the early stages while they are still green and before the beetles have had a chance to produce offspring. For more information on the subject, check out the website at Colorado State University: <http://www.ext.colostate.edu/pubs/insect/05528.html>

## POA Annual Meeting - Board Report

The Board has discovered that two things are absolutely certain in running the affairs of South T-Bar: There are always problems to be taken care of on a property as large as STB, and things just keep getting more complicated.

This article summarizes the reports made at the annual meeting, and additionally, provides information about the tasks that the Board faces in the coming year.

All of these tasks take time and skill. If you have either, the Board would be most appreciative if you would volunteer your time to help South T-Bar.

**Grazing Leases:** The grazing lease with Buddy and Diane Taylor is due to expire on February 7, 2004 and the Board must renegotiate the lease. Although the amount of the lease is not great (\$3,600), it provides substantial benefit to POA members who leave their property unfenced since it permits them to claim an agricultural exemption which substantially reduces property taxes.

**Gravel Easement:** The gravel used for many of the roads on STB was obtained from Parcel 35. The POA holds an easement agreement with the Monty's (owners of Parcel 35) to maintain the storage of gravel on their lot until February, 2004. Since winter is approaching, the Board must take immediate action to address this issue since movement of gravel and remediation of the parcel cannot be done in the winter time.

The gravel was given to the POA by Land Properties and under Colorado state law, cannot be sold, since the POA does not hold mineral rights. Thus, the Board must determine how to best utilize the gravel.

**Road Contract:** The annual road maintenance contract will be up for renewal in September, and a committee has been formed to negotiate a new contract. The Board has learned much about looking after the roads (the single biggest expense at the Ranch, by far) and hopes to put that knowledge to good use in the next contract.

Amongst the options that the Board must investigate: Whether to renew a contract with Ron Walker, who is familiar with STB roads (and the Board is familiar with his work) or to put the contract out to bid.

Other questions: What level of equipment and experience should a contractor have before the Board should consider a bid? Should the Board let contracts on a piecework basis or on a guaranteed performance basis? Should the contracts for road maintenance and snow removal be separated? Should the contracts be issued for a period of less than a year or longer?

**Road Improvements and Snow Fence:** There is a need to have additional markers installed at STB so that snow removal crews can avoid hitting culverts and utility installations. There is also a need for the snow fences, at least during the worst of the winter months, in order to control snow drifts on the road.

Mike Wolfe investigated snow fences and reports as follows: The drifting is occurring along South T-Bar Trail adjacent to parcels 34, 35 and 36 and on Cimarron Crossing West adjacent to parcel 36. There may also be drifting farther out on Cimarron Crossing. Snow fences in high wind areas should be placed 300 feet from the road, although he has seen them as close as 50 feet.

The costs of simple snow fence, woven wire and wood slats, are as follows. Fence retails at \$34 per 50 foot, 100 pound roll. Metal post, every 4-6 feet and cost \$2.50 per post. A mile of fencing, purchased, at retail, will cost approximately \$7,300 pre tax dollars. This does not include the costs of actually installing the fence. The Board will be reviewing snow fence options in conjunction with the road contracts.

**Sale of Properties By Ron Walker:** Ron Walker owns the Top Rail Elk Ranch on the west side of STB. He has a perpetual easement agreement with STB that permits him access to his property via STB gates and roads.

Ron has begun the sale of 14-35 acre parcels, and he has substantial other holdings that may also be subject to sale in the future.

Currently the easement agreement allows for only a \$20 annual fee to be charged to the new owners, for use of Ranch roads. There is also a provision in the easement for a renegotiated amount. The Board is working with Ron in order to establish a standard, yearly fee that will apply to all new owners, so that STB does not have to negotiate individually with each new property owner.

At least one of the new owners wants a fee set at less than the annual fees paid by STB owners since he will only use the roads. However, in reality, these folks will need trash service, snow removal, and of course, STB would send fire fighting equipment if it was needed. Thus, the Board hopes to strike a balance between fees and services available.

**Changes to Bylaws:** The POA Board has made three changes to the South T-Bar Bylaws.

- All references to "the developer" have been removed since all of South T-Bar is sold and the POA is the sole responsibility of South T-Bar landowners.
- Language was added to define the staggered, two year terms served by the Board of Directors.
- The definition of a quorum for the annual meeting has been changed so that a quorum is now simply the number of people present and voting (either in person or by proxy) at the annual meeting. Had this

Bylaw not been passed, there would not have been a quorum at this year's meeting (only 53 in attendance), and no business requiring a vote could have been conducted.

**Website:** A new website will be available to STB owners within about 30 days of this newsletter. The problem with the old website is that only the webmaster can post content, meaning owners have no way of creating pages or uploading photos.

The new website is a "content management system". Every owner will have their own page and a place to upload photographs. Most of the website can be edited and updated by any property owner.

When the new website goes active, each property owner will need to register and setup a unique user name and password. At the upper right of the screen you will see a "register" button in the login box. Click it. You will be asked for your username (your choice), a password that is at least 6 characters long, and a valid email address (your registration is verified by email). Finally, you must enter the **passcode** of **3726** (the current owners gate code. Once you login, you will find detailed instructions on using the website. Contact [wayne@herberts.org](mailto:wayne@herberts.org) for more information or if you have questions.

## Front Gate Security and Codes

It is time for the annual change of the property owners gate code. Here are the gate codes for owners, as well as the gate codes to be used by contractors and others who need temporary access to the South T-Bar ranch.

Current Owners Code (Started July 1 <sup>st</sup> ):	<b>3726</b>
Contractors Code (Valid July 1 <sup>st</sup> thru Sept. 30 <sup>th</sup> ):	<b>9182</b>
Contractors' Code (Valid Oct 1 thru Dec 31):	<b>1979</b>
Contractors' Code (Valid Jan 1 thru March 31):	<b>2403</b>

Please note that your gate remote control will continue to function without reprogramming.

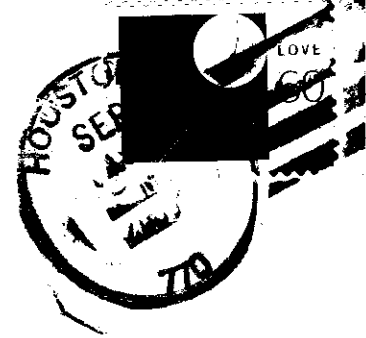
**Gate and Gate Code Etiquette!** – Do not give out the Owners Code to anyone. The Contractors Code is to be given out to those who need temporary access to the ranch, such as construction contractors, delivery companies, and your guests. Please respect this rule and the ranch will be a more secure place for all of us.

Please, once you are through, take the time to stop and make sure that the gate has completely closed before you drive off. If it has not closed, gate code again, or try driving over the gate closing sensor again. If the gate will not close in spite of your efforts, please report it immediately so that it can be repaired.

**Gate Code Challenge:** It is pure coincidence, but if you get out to STB, there is a real "funny" concerning the current owners gate code. Can you guess what it is? Contact Ginny Merchant for the answer.

South T-Bar Ranch POA  
P. O. Box 1431  
Cafion City, CO 81212

Return postage guaranteed



FIRST CLASS MAIL

77469+1284



## Classified Ads

Your Ad Could Be Here

**Yes! This Space is Available!**

If you know of someone who wants to advertise their services to South T-Bar, or if you're thinking about selling your property, consider an ad right here.

Do you have a product or service that you would like to offer to South T-Bar property owners? Would you just like South T-bar folks to get to know you better? Then place an in the South T-Bar newsletter. Contact: Lucy Thurston, 1045 Golden Hills Road, Colorado Springs, CO 80919. Phone: 719-531-0773. Email her at [lucy@covatech.com](mailto:lucy@covatech.com).

## Ranch Roundup

**Contact Information** – See the contact information on page 4 of this newsletter. Everything you need to report suspicious activity or request official board business.

**Hang Tags** - Remember the hang tag for your car when you visit South T-Bar. It makes it easier for residents and law enforcement to identify owners versus trespassers.

**Front Gate** – Remember to use contractor codes for temporary visitors. Report gate problems. Make sure the gate is closed when you enter or exit.

**Fire** – The threat is low right now but ever present. Support the TVFD (Page 3), and do your part to keep STB safe from wildfire.

**The POA Board** – There are many things to be done for STB. Please help by volunteering your time, skills, and energy. Distance is not a disqualifier.

Your POA Board sincerely appreciates your comments, feedback, suggestions, and criticisms. Write or email us with whatever is on your mind.