

Michigan Hill Owners Association
2020 Annual Meeting Minutes
August 15, 2020 10:00am
Jefferson Community Center

Welcome and Call to Order - Angie Gerken, V.P., called the meeting to order at 10:15am

Determination of Quorum -

- Total votes represented at the meeting is 125
- A minimum 20% of votable lots (250) present or represented by proxy is required for a quorum; established as follows:

Votes Represented by Members Present (their own plus proxies)	55
Votes Represented by Proxies Assigned to the MHOA Board	70
Total	125

2019 Annual Meeting Minutes

- 2019 Minutes were reviewed — hardcopy provided in meeting packets
- Motion to approve the 2019 minutes made by Bob Berg, Lot 115; seconded by Mike Lemasters, Lot 234. - APPROVED

Reports of the Officers

President - vacant

Vice President and ACC Managing Director - Angie Gerken

ACC requests since July 2019: In addition to the list published with the July 20th meeting, one additional request approved for a dog run on Lot 143 on Selkirk was approved. All requests received since July 2019 have been approved.

New ACC Guidelines and Regulations Document - the ACC guidelines were revised by committee to provide an updated list of acceptable siding materials and some other items. Hardcopy of the revised document was provided in the meeting handout packet. Angie reviewed the changes and provided the feedback given by the attorney as well.

Motion to approve the revised ACC guidelines as recommended by the committee made by Gary Probasco, Lot 57; second by Bob Berg, Lot 115. - APPROVED

Amended Bylaw - Camping on unimproved lots

Our current bylaws were last revised in 2012. The Board proposed some wording to be added to our existing camping bylaw referencing the Park County land use regulations that have been in effect in Park County since 2016. These regulations are in line with our bylaw and also provide for a permitting process to allow extended camping, up to 90 days per year. The Board felt that we

should be in alignment with the county on this issue. Hardcopy of the change was provided in the meeting handout packet.

The amended section reads as follows:

- a UNIMPROVED LOTS. Owners of unimproved lots and their guests may camp on their lots in campers, trailers and motor homes, and similar vehicles **as permitted under Park County Land Use Regulations Section 5-712 - Camping on Vacant Residential (MR,R, R-20, R-35) and Mining (M) Parcels.** Gray water and/or sewage may not be discharged or disposed of within the subdivision other than in the MHOA's approved dump station. When the owner or guest leaves, camping vehicles must be moved from the lot. Campers, trailers, motor homes and similar vehicles cannot be stored on any unimproved lot.

Motion to approve the amended bylaw regarding Camping on unimproved lots was made by Terry Bate, Lots 228, 229, 230; second by Larry McClymonds Lots 206, 207. - APPROVED

New Bylaw - Parking on Association roads

The Board approved a more defined parking bylaw and needs the approval of the members at this meeting to make it official. Our previous wording was very ambiguous. The text of the new bylaw was included in the agenda for this meeting. The new bylaw specifies limits to parking on the roads and also describes the requirement for notifying the Board and/or the At-Large if there are extenuating circumstances that require the limits to be exceeded. The wording was reviewed and various comments made by members. Steve Elford, Lot 141, suggested adding wording to require that, if vehicles must be parked in the road, that they should be parked in front of the owner's own property if at all possible. It was agreed by members present that the language would be modified and a vote taken later in the meeting.

Treasurer - vacant

Secretary - Paula Morgan

Secretary Duties - Since our annual meeting could not be held in June due to COVID19 restrictions, a second mailing was needed to notify members of the rescheduled meeting date.

Treasurer Duties - We lost our treasurer, Frank Marinaro, in December due to the sale of his property. After that, the duties have been split between Paula and Angie. Angie handled dues invoices and processed the payments. Paula has had the checkbook and has paid invoices and made deposits.

Introduction of the New Bookkeeper, Lindsay Wood

The Board has engaged a new bookkeeper, Lindsay Wood from Fairplay. She was brought on in March. Lindsay has reconciled our books and prepared the financial reports for the annual meeting. She also worked to streamline and simplify our chart of accounts.

Financial Status, Budget and Reports

Hardcopies of the budget and financial reports were included in the meeting packet.

A question was asked whether fish had been stocked in the pond since there is a budget item for it, but fishing has been difficult. Bobby said the fish were stocked late due to a inability to place an order during the COVID lockdown in the spring. They were in by July 4, released by Bobby himself.

A question was asked about whether gravel was purchased, since it is a budget item. Bobby said that when the roads were graded, gravel was not needed mostly because many of the rocks had been removed earlier, eliminating the need to cover them.

Lindsay took questions on the financial reports. There was some discussion of the Reserve Study prompted by Larry McClymonds, Lots 206-207, since we have sold our vehicles and the amounts needed for reserves has decreased. Lindsay spoke about what the reserves are and how HOAs handle maintenance vs. replacement of assets. In our case, the maintenance of assets has been a budget item, and replacement has been planned for in reserves.

Steve Johnson, Lots 182-183-184, suggested that our culverts might need to be included as an asset for the purposes of the reserves. There are about \$500,000 in culverts in our subdivision. The board will take this under advisement and address at the next meeting.

Dues Committee Report

A committee was formed to examine MHOA financials and make a determination of whether a dues increase should be made for 2021. The committee's report was included in hardcopy in the meeting packet. Paula reviewed the recommendations and outcome of this committee. The committee recommended a \$25-per-year dues increase based on our short-fall in years where the winter has been a heavy snow and wind season.

A motion was made by Angie Gerken to increase the dues by \$25.00 per lot for a total of \$200.00 per lot due annually beginning in 2021.

Seconded by Larry McClymonds. - APPROVED

A motion to accept all of the financial reports was made by Larry McClymonds Lots 206-207; second by Mike Lemasters Lot 234. - APPROVED

At-Large - Bobby Ryszkowski

Pond

As reported above, the pond was stocked late, just before the 4th of July. By the time the fish were ordered, the fishery was out of large fish, so they are all small.

There was so much food for them in the pond when they were placed in it that they may not have been biting. There were some fish that survived the winter.

Bobby noted that there is a budget item for putting in a gate with a lock at the pond to deter people who are not owners or guests of our HOA from fishing in our pond. He plans to pursue getting this gate installed.

Roads

The roads were graded later than planned by a new contractor from Brannan Sand and Gravel in Fairplay. We may not have to do them again. Questions were raised about some of the roads that were not graded: Deadman's, Swandyke and French Pass Circle. Bobby will have a look at them and speak to the contractor. A question was asked about whether removal of aspens from the easements was included in the contract. There are places where the trees and vegetation have gotten very dense close to the roads. Bobby states that removing vegetation has not been contracted. It could be done using an excavator-mounted brush hog. He will look into this.

Open forum for Association Members

Larry McClymonds Lots 206-207 - would like to see fines for violations of HOA covenants, bylaws and policies raised to \$500 per occurrence. He feels that the \$50/\$100 fines are not heavy enough to deter violations. He would also like to see the Covenants on fences in section 8 revised regarding animals.

Mike Lemasters Lot 234 - agrees with the fine increase proposed by Larry. Regarding fences and livestock, Mike would like to note that our covenants do state that no stable, corrals, etc, shall be located closer than 50' to the property line or any structure. In addition, it is a state law that well water cannot be used for livestock. He is concerned that use of well water for livestock in our HOA will threaten all of us using our own wells.

Ken Baker Lot 169 - Stated that he needs fences to keep loose cattle from coming onto his property, not to keep any animals in. He will be repairing the damaged section of fence along his property and the county road.

Bob Berg Lot 115 - Bob is concerned that we might be at risk for a lawsuit over ATV use on our roads. He has observed some unsafe driving of ATVs and ORVs this summer. He wants to make sure we have the liability insurance. He recommends that we review the policy and pursue some measures to reduce our risk.

Ray Wittwer Lot 191 - agrees that the ATVs have been a big problem this year.

Terry Wiess Lot 240 - On fences, Terry would like to have more clarity about what a stockade fences vs. a corral.

Mike Lemasters Lot 234 - a corral is a pen to contain livestock. Also, our covenants say a t-post fence is not allowed, but is not sure that this type of fence was used by anyone.

Angie Gerken Lot 250 - The Board will consider itself directed to add a clarifying bylaw regarding fence styles, setbacks, and livestock enclosures.

There was a call to vote on the question of raising the fines.

A motion to increase the fines for covenant, bylaw, policy and ACC guidelines violations from \$50 for second violation and \$100 for the third violation to **\$500 per violation** was made by Larry McClymonds, Lots 206-207, second by Bobby Ryszkowski. -
APPROVED

Steve Johnson Lots 182, 183, 184 - would like to see the burn pits that were dug on our out-lot filled in since we cannot burn slash. As far as using this property for other things, we have to remember that it was leased out for grazing to give us a tax break.

Michael Silcott Lot 77 - Liked some of the ideas for use of the lot since we can't use it for a burn pit. He would also like to see the picnic shelter at the pond and other amenities added to our neighborhood.

There was a general discussion of uses for the out-lot such as camper storage in the summers, shooting range, etc. Many of these ideas depend on what our county land use regulations will allow for a property such as this. Also, there is some concern about the HOA incurring liabilities if used for storage of members' property or shooting range. And since it has been leased, what would it mean to change the usage? There is more research needed on this.

Mike Lemasters Lot 234 - Believes that our MHOA signs should state that use of our roads is at your own risk to reduce our liability.

Old Business Items Review

1. **Table and shelter at the pond:** members voted to delay building this in 2019. Not budgeted for 2020. Members present expressed interest in making this happen.
2. **Frontend Loader purchase and Equipment Building:** This was taken up by the board in the spring - voted to sell all vehicles and contract for road services as an outcome of the Dues Committee recommendations; loader and building not needed at this time
3. **New Committees:** members were encouraged at the 2019 Annual Meeting to sign the sheets if interested. The following Committees were formed:
 - **Revision of Declaration of Protective Covenants** - including Roadway Parking Policy and Enforcement - Some work was done on the Covenants but this was tabled in favor of ACC guidelines revision as reported above. The parking policy handled as a proposed bylaw addition as reported above. This committee will continue and will include bylaw changes.
 - **Social Media site** - we are now on Facebook as group **Michigan Hill Homeowners Association Neighbors**. It is a private group requiring the administrator to admit you after you request to join. Laurie Lemasters is the admin. We are also on Nextdoor.
 - **Fire Mitigation** - Committee has met but have come up with no good options that would not incur risk if sponsored by the HOA.

- **Dues Assessment** - Committee has met and report has been provided. A vote to increase the dues by \$25 per year was taken and approved as above.

New Business

1. **New ACC Guidelines and Regulations Document** - Report given by Angie and new document approved as above.
2. **Amended Bylaw on Camping** - vote to approve addition of language in ***Bold Italics*** to reference Park County Land Use Regulations as follows:
 9. CAMPERS AND TRAILERS. Campers, trailers, motor homes and similar vehicles may not be used as year around dwellings on Michigan Hill. The Board shall remove any such vehicles which violate the Covenants and Bylaws at the owner(s)' expense. Permitted storage and uses of such vehicles shall be as follows:
 - a UNIMPROVED LOTS. Owners of unimproved lots and their guests may camp on their lots in campers, trailers and motor homes, and similar vehicles ***as permitted under Park County Land Use Regulations Section 5-712 - Camping on Vacant Residential (MR,R, R-20, R-35) and Mining (M) Parcels.*** Gray water and/or sewage may not be discharged or disposed of within the subdivision other than in the MHOA's approved dump station. When the owner or guest leaves, camping vehicles must be moved from the lot. Campers, trailers, motor homes and similar vehicles cannot be stored on any unimproved lot.
 - b IMPROVED LOTS. Owners of improved lots may not allow any person to use campers, trailers or motorhomes as a dwelling on their lots. Owners of improved lots may store campers, trailers and/or motorhomes kept for use elsewhere on their own lots. However , storage of such vehicles shall be in a treed area (whenever possible), adjacent to or within a structure, or as otherwise necessary so as to minimize the visual impact on neighboring lots and other members of the MHOA, enhance property values, and avoid constituting a nuisance to the neighborhood.

This change was approved by members as above in the Open Forum section.

3. **New Bylaw on Parking** - After modification of the language to require that vehicles that must be parked on the road be parked in front of the responsible property owner's own property, the bylaw reads as follows:

VEHICLE PARKING

No vehicle, trailer, or any vehicular equipment shall be habitually parked along any road in the subdivision. In the event that parking on the road must occur, the vehicle(s) shall be parked in front of your own property. Vehicles parked on the road will be tolerated for no more than 8 hours in any given day provided that it is necessary for the purpose of opening a driveway due to construction or snow removal. Owners who need to have vehicles parked in the road for more than 8 hours in a day or for multiple days due to construction, snow removal or extenuating circumstances must contact the Board of Directors and/or the Director At-Large at least 3 days in advance and provide the dates and justification. Parked vehicles shall not be allowed to cause safety hazards or impede MHOA plowing and grading operations. Parked vehicles that are not removed at the Board's written request, by email or letter, will be towed at the property owner's expense.

A motion to approve this new bylaw as worded above was made by Joann MacDougall Lot 264; second by Steve Elford Lot 141. - APPROVED

4. Proposed permanent \$25 dues increase -The increase was approved as above in the Officers Reports section. Annual dues are now set at \$200 per lot.

ELECTION of HOA Board Members - 3 people needed

Angie and Bobby each have 1 year remaining in their terms.

Paula is willing to continue for another 2-year term.

Nominations from the floor:

Michelle Peters Lot 264 - nominated by Joann MacDougall Lot 264

Paula Morgan Lot 192-193 - nominated by Mike Lemasters Lot 234

Jake George Lot 70 - nominated by Erin George Lot 70

Since there were 3 open positions on the board and 3 people were nominated, a secret ballot was not needed. The board members were elected by acclamation.

The new board members will meet in the next couple of weeks to decide on who will fill which position.

Adjournment - 12:08

A motion to adjourn was made by Larry McClymonds, seconded by Bobby Ryszkowski. -APPROVED