

## **Falls Creek Ranch Association, Inc. Board of Directors Meeting Minutes**

**Thursday, December 8, 2022 at 7PM via Zoom**

**Call to Order and Roll Call** – The meeting was called to order at 7:03PM by President Paulette Church. Board Members present: Mary Ann Bryant, Paulette Church, Robin Lucie, Mark Smith, Bobbie Baird. Community members present: Eb Redford, Gale Marinelli, Steve Dowler, Barry Bryant, Terry Greiner, Jim Grizzard and Joe Willman.

**Approval/Changes to the Agenda** – Mary Ann added discussion of new water well and financing to New Business; Mark Smith added Air B&B rentals to New Business on the agenda.

**Board Member Survey for Conflicts of Interest with Agenda Items** – None.

**Open Period Comments from Residents – 3 minutes time limit** – None.

**Approval of Previous Minutes** – A motion was duly made and seconded to accept the October 27, 2022 Board meeting minutes. The motion unanimously passed.

**Presentation and Acceptance of Financial Report** – Robin Lucie presented the current balances of our funds: Operating - \$222,137, Capital - \$219,373, and Grants \$30,000. Assessment payments are on schedule – no delinquencies. Robin stated the first quarter financial reports (August 1 – October 31) need some corrections and therefore will be presented at the January meeting. Robin noted Common Property wages need to be adjusted for the grant coverage – Paulette will request grant reimbursement for the grant portion. Robin suggested that we should look at whether some staff should be categorized as employees or contractors. Paulette stated specific criteria needs to be met for contractors and may not apply in some cases. Robin will consult with the Payroll Department to clarify appropriate categorizations. Robin will also look into on-line payment possibilities with our CPA. The FY 2022 year-end report was presented. Mary Ann Bryant stated the final report reflects the format and detail corrections that were requested of our CPA. The year-end report was unanimously accepted by the Board and will be posted on the FCR website. The Treasurer’s Report was unanimously accepted by the Board.

### **Committee Reports**

**Architectural Control** – We have 14 open projects (not all currently active) on the Ranch.

**Common Property** – No report.

**Dam** – The Dam Committee has purchased and will install in the SE corner of our lake a HOB0 Water Level Monitor. Our goal is to simplify & automate reliable Water Level data collection. Our measuring station will use the galvanized pipe currently sticking up about 5 feet above water level in that SE corner. The pipe is exposed because the lake level is low, currently about

48 inches, or about 57 million gallons below capacity. That's a lot of water, for the lake to fill we need snow.

In November, we also updated our Emergency Action Plan & distributed it to the people & organizations on our Emergency Notification List. Our EAP & recent Dam Inspection Documents reside on the FCR website. Check out the very cool maps created by James Glover, included in the Appendix of the EAP. These maps witness the fact that we have a very deep & talented pool of volunteers at FCR. Thanks again James.

Also, in November we hosted a "Hydro Team" from the Forest Service doing a Spring Water Quality study in Dyke Canyon. The study is ongoing & we don't have a report summary yet, but we are way better off than most areas in Southwest Colorado. The Dyke Canyon spring is in great shape. It has consistent water flow & great water quality.

**FireWise Ambassador** – Firewise activity is winding down now but ended with 24 volunteers working a fall session chipping slash, raking in grass seeds and mulching them, and loading firewood for the Dine Shiprock Chapter House during November.

We have submitted 2 grant requests to be awarded next spring. One for \$425,000 for fire mitigation and another for \$103,000 for a low center of gravity tractor. Both grants will last for up to 4 years.

We have a Firewise subcommittee re-writing our FCR CWPP.

We need fire mitigation hours for 2022 from all resident volunteers.

**Front Entrance** - Nothing to report.

**Horses** – We have three new horses, two lovely Warmblood geldings and a Rocky Mountain Horse filly. One longtime resident horse, Peggy Lynch's gelding Tango, has moved to Santa Fe. The stables are currently at full capacity. We have one person on the waiting list.

**Lake** – Aerators are turned off until March when the lake begins to thaw. This will allow for skating and skiing without the danger of open ice. There are several kayaks and paddle boards remaining in the racks that have no registration tags. These will be removed. If anyone owns an unregistered boat that is still at the lake, please contact Mark Smith at 970-759-3540.

**Post-Wildfire Recovery Report** – No report.

**Roads** – Roads are ready for the winter. We will not be grading again until after the first significant snow, which we are hoping comes soon!! Until then, the roads are quite dry and dusty and the folks along Main would be super grateful if speeds and dust are kept to a minimum. Thanks in advance for your consideration!!

Please keep in mind that winter driving in Falls Creek means slippery roads in places most of the winter. Appropriate winter tires are a necessity and careful winter driving is advised.

**Utilities** – Both of the two Falls Creek Ranch water Tanks SCADA nodes were upgraded. The power source was converted from solar panels to street power. The solar system didn't provide enough power for the new SCADA devices. The electrical power is paid for by Visionary as part of the negotiated Falls Creek Ranch/Visionary agreement.

The good news is that the water operator will no longer have to climb the tanks in the winter to clear snow off of the solar panels to restore power.

**Water Supply Task Force** – Our team is in the process of requesting cost estimates for drilling a new monitoring well on the south end of the Ranch. We will determine next steps based on feedback we receive.

**Ranch Manager Liaison Report** - During the past work period tasks performed have been:

- ❖ bactis
- ❖ Roads
- ❖ Ranch House Heater
- ❖ Water Heater
- ❖ Gate Valve
- ❖ Phone
- ❖ Scada
- ❖ Shop
- ❖ Grader and Dodge
- ❖ Meter Repair
- ❖ Tank Inspection
- ❖ Mitigation
- ❖ Well 4R

During the past work period grabbed bacti samples and delivered to San Juan Basin Health. This is a monthly obligation and is strived to be performed by or prior to the 15<sup>th</sup> of each month.

Received about 2 inches of snow. Was able to dress up FCR Main and major interior roads. Due to high traffic volume may need to work them with next available storm.

Marco's Heating and Air Conditioning replaced the heater in the attic of the Ranch House late October and appears to be working very well with no issues.

Purchased new water heater for the Ranch House; will install in the spring when time allows; focused on winter at the time but will hold steady on the task.

Assisted Roseberry plumbing installation of a gate valve in water treatment facility 2 so we can control the flow from new Well 4R. it is desired to produce 8 gpm by throttling the new gate valve which is a common operational practice.

Mark Smith has gone through very much a hassle to switch FCR phone from Verizon to ATT. The new service is much more efficient and the updated phone allows me to communicate with FCR, MacBook and portable note book with ease making it a much better data collecting environment.

Assisted Timberline in the removal of old DC electrical system and communications for the Telemetry Systems for water systems 1 and 2 and replaced (upgraded) the systems to AC power with new hardware installed at the tank sites. The new installation is much more responsive and eliminates winter errors due to snow accumulation and other related downfalls of remote DC. The new installations also take half the footprint of the old units. Eb worked with Timberline on the upgrade to the SCADA (System Collection and Data Acquisition) in both Water Treatment facilities. All is working without error at this time. (no Gremlins)

The Simons at 7253 FCR Main has donated to the shop a NEW drill press, Band Saw, and Air Tank. These units are a very big upgrade to the shop and we thank them greatly. Which did shame me for my house cleaning. Had Kern, Erik, and Will help do an extensive clean up at the shop and surrounding area. The shop is very neat and steps are being taken to keep it this way. Making truly a better environment for all and everything in there. We brought in a fifty yard dumpster to clean shop area and allow residents to participate in a Fall Clean Up program. It went very well and may try to get another delivered next year.

Put chains on and performed maintenance to the road grader making it ready for snow removal. Placed the studded tires on the Dodge; also installed the sander to make this unit ready for snow as well. Still need to put the plow on the Dodge but have it in shop ready to go. The Dodge has a 4X4 light that randomly comes on while driving and is temperamental about coming out of 4 wheel drive. This has occurred on multiple drivers under normal operations. I will call the mechanic shop and see if this problem can be addressed.

Replaced the meter readout at 175 High Ridge; it had been damaged by what appears to have been hit by the tree haulers when dragging the trees out down to the road side. Need to replace the readout for the meter at 552 Snowshoe due to the unit being hit by a contractor performing work for that residence. We are having issues on acquiring the new unit due to demand, availability, and shipping. The unit has been ordered and is in the works for delivery.

Completed 4<sup>th</sup> quarter tank inspections and filed in data collection folder. Tanks are in a respectful condition inside but attention to the exterior of the tanks will need to be addressed in the near future. Seals, paint, and surrounding ground sites need to be thoroughly inspected and repairs/dirt work should be made as needed.

Assisted mitigation crew on several occasions stacking and moving trees for wood haulers and FCR wood pile. Mitigation crew plans to stay as active on the program as long as weather permits.

Will have needed update to System Monitoring Plan completed the week of 12/5 – 12/09, and post to the CDPHE portal to bring Well 4R into FCR water system inventory and receive an Active status. FCR will then receive sampling obligations each year via Annual Monitoring Schedule. Well 4R is already issued an ID# of 005.

Upcoming Tasks:  
Ranch House water heater  
Dodge Maintenance  
Well 4R

Ray Smith, FCR Caretaker 12/5/22

### **Old Business**

- Visionary update: Mark Smith reported the Visionary installation is still on schedule to be finalized mid-December. Members will be notified when they may sign up with Visionary once we receive that process information.
- Orchard irrigation/fire suppression proposal – Jim Grizzard presented a proposal to pump water from the northwest corner of the lake to the orchard/air curtain burner area. Discussion included design and placement of the pump system, use of an electric submersible pump inside a slotted liner that would be powered by a 220v generator and 3hp pump, control of weeds to the system. The pump would be underwater and out of sight from lake users. Noise from the generator would be muffled by a hay bale surround wall and the generator would only be used approximately once a week during May through September for filling the water tanks at the orchard (irrigation) and air curtain burner (fire suppression). No solar would be used for power. The management of this system would be volunteers. This would be put in place next Spring 2023. Paulette stated we will need to have a meter in place for measuring water usage. A motion was duly made and seconded to support the proposal as described above, and unanimously approved by the Board.

### **New Business**

- Board vacancy – vote to approve a new Board member to complete Bobbie Baird's term. Four members indicated an interest in serving in this position to assist the Board. Two members withdrew at this time due to personal time constraints. One was somewhat limited due to travel commitments. A motion was duly made and seconded to appoint Terry Greiner to fill the At-Large position to complete Bobbie Baird's term effective immediately through July 31, 2023. The motion was approved unanimously by the Board. Thank you to both Bobbie and Terry for your willingness to serve!
- Plan to build a new access road to the north water tank; correct lot encroachments to lots 83A and 12 – vote to approve plan. Access to our north water tank is currently made through private improved lot 82A (owner McKown/Belanger). The lot owner and the Board agrees that access to our utilities should be 100% on common property. To correct this situation, a new access road will need to be constructed north of improved lot 86 (owner Chapman/Tobin) and south and west of unimproved lot 83A (owner McKown/Belanger). Several engineered road options were presented to the Board over the last year. The La Plata County Planning Department was also consulted for grading/safety requirements. The proposed plan is deemed to be the best solution. Lot 83A boundaries will need to be adjusted to accommodate the new access road on common property. Likewise, improved Lot 12 on Mason Cabin (owner Brannan) has the

fire exit road going through the private property. We will correct that encroachment at the same time as Lot 83A is corrected via a licensed surveyor.

The above road work can be completed by Ray Smith and Mark Smith using Ranch equipment and rental excavation equipment. The road would be starting from the Skyline Drive utility area and go west/northwest on the wooded hill up to the water tank. Since approximately 2/3 of this road would then be used to access a future driveway to the unimproved lot 83A, that lot owner has agreed to pay 2/3 of the cost of this road construction. The Ranch will cover 1/3 cost. Cost for equipment and road base is estimated at \$15-20,000. This work is expected to occur summer of 2023. Note our Covenants allow for a non-exclusive easement over common property to access an owner's private property. A written agreement with the owner of lot 83A will be completed with legal review. Once that review is finalized and the parties agree, the above plan will be initiated. A motion was duly made and seconded to approve the above plan with legal review for construction of a new access road to the north water tank with correction of two lot encroachments. The motion was unanimously approved by the Board. Mark Smith will share the plan with Eb Redford to assure no existing utility lines are impacted.

- Use of e-bikes on the Ranch – This issue was raised to the Board recently. The Board discussed the various classes of e-bikes and concerns regarding motors, speed and safety on our roads and trails. The Board agreed that only Class 1 e-bikes (as labeled by the manufacturer) are allowed on Ranch roads at this time but any use of e-bikes on Ranch trails will not be allowed until the Trail Use work group presents their trail use/maintenance proposal to the Board in a couple of months. Bike users are reminded that our speed limits on roads apply to you as well!
- State regulatory HOA requirements – Colorado has passed a new law, HB22-1137 [https://leg.colorado.gov/sites/default/files/2022a\\_1137\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2022a_1137_signed.pdf) which impacts some of our governance policies (collections, late fee interest rate, covenant enforcement, use of Executive Sessions). Members are encouraged to be aware of these requirements in the noted link. The Board will be working to update such policies and bylaws as they relate to this law. The State Division of Real Estate (DORA) will be conducting a webinar December 16 that several Board members plan to attend to learn more about this law. Terry Greiner will take the lead on this process.
- New south well – financing – vote to approve. Mary Ann Bryant presented an update to the WSTF's exploratory work for drilling a new well in the Falls Creek drainage area. We have received two bids – both drillers recommend we drill a full well planning for production instead of a smaller test well. This would allow us to conduct water quality and flow tests more readily and could save us expenses in the long run by drilling one well. This plan requires that we defer rehab work on well 2 (not urgent) and use our WSTF budget for this new drill plan. The WSTF also requested the Board for an additional \$10,000 to cover the total cost. We expect this work to be done late winter/early spring according to the driller's schedule. Only water quality testing and flow tests would be done this fiscal year. Next steps would be determined once we have data from a drilled well. The proposed location would be south of the horse land and north of the air curtain burner. A motion was duly made and seconded to approve

the above change in WSTF budget to drill this proposed well. The motion was unanimously approved by the Board.

- Short-term rentals – Mark Smith brought up this issue as a concern regarding the possibility of homes being used as Air B&Bs, or VRBO short-term rentals. The Board discussed our covenants regarding existing limitations on renting/leasing homes on the Ranch. The current rental policy can be found on our website under Governing Documents. We discussed that FCR is a private, single family occupancy HOA but we should discuss this issue further with member input. Paulette also brought concerns regarding fractional ownership of private property. These issues will likely need legal input and will be added to the January 26, 2023 Board meeting agenda for further discussion.

### **Announcements**

- FCR Christmas tree cutting dates and donation requests – Paulette announced that there will be a **Christmas tree cutting event Saturday, December 17** with lots of great refreshments. A donation of \$5/foot is requested for FCR Firewise efforts.
- Big Rock meadow waterline dirt rehab – no hiking use. Paulette announced that grass seed and straw have been laid in the Big Rock Meadow to rehab the waterline excavation work that was done this past summer. The north meadow has also been rehabbed with grass seed and straw. **Please stay off of these areas to allow revegetation to occur – these are not biking or hiking trails!**

### **Calendar of Required Board Actions for December/January:**

- Distribute winter road safety rules to membership (Roads Chair/Secretary).
- Begin review of insurance policies for updates/renewals (due Feb) (Vice-President).
- Send out second-half annual assessment notices (due Feb) (Treasurer).
- Income tax filing (received IRS extension – due Feb) (Treasurer).

### **Adjournment**

The meeting was adjourned at 9:33PM.

**The next regularly scheduled Board meeting is scheduled for Thursday, January 26, 2023, at 7pm via ZOOM.**

Respectfully submitted,  
Mary Ann Bryant  
FCR Board Secretary