

**Falls Creek Ranch Association, Inc. Board of Directors Meeting**  
**October 2020 MINUTES**

A Falls Creek Ranch Association Board of Directors Meeting will be held on Wednesday, October 28 at 6 p.m. via ZOOM meeting. All FCR members were invited to attend.

**Call to Order and Roll Call** – Meeting was called to order at 6:05 pm and all Board members were present: Les Lynch, James Glover, Terry Greiner, Elaine Ehlers, Paulette Church

**Approval/Changes to the Agenda** – None made

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

**Open Period Comments from Residents** – None made. Mary Ann Bryant asked for a notice be sent to residents about more loose dogs running around on the Ranch and noted that this is in violation of our Covenants. Also, she asked those with building projects remind contractors they are not to smoke outside a building or vehicle. Tom Jones asked if the outdoor wood fire decision is on the agenda and it is under the agenda item regarding a confirmation vote of the email Board vote in September. David Hardy, Barry Bryant, and Tom indicated they would like to speak to the Board about this issue. Bobbie Baird asked for an update on the proposed Visionary internet possible plan.

**Approval of Previous Minutes** – For the 9/23/20 meeting, James moved and Les seconded a motion to approve the minutes as emailed and the motion passed.

**Presentation and Acceptance of Financial Report** – Les reviewed the amounts in our three accounts: Operating, \$195,000: Grant Reserve, \$37,926: Capital Reserves, \$303,543. Operating is up due to water transfer fees and remaining HOA dues. The Grant account went down due to the Legacy Conservation invoice, which will be repaid by a CSFS mitigation grant. Capital Reserves went up but has issued checks for \$30,000 to repay investors. We received a Certificate of Good Standing for Falls Creek Ranch from the Colorado Secretary of State. Our accountant said that our Annual Report will be done by end of October. Elaine moved and Terry seconded a motion to accept the Financial Report and it passed.

**Committee Reports**

Fire Wise Ambassador – Workday Oct. 24 planned with another possible in Nov. to complete chipping work; Paper leaf bags are available; Planning to establish a FCR Rapid Response Fire Team; Slash pile is closed; CSFS and NRCS inspected mitigation work done and regrowth following 416 Fire; Awaiting news of the \$245,000 federal grant for mitigation submitted by CSFS on our behalf.

Post Wildfire Restoration – No new report

Architectural Control – Currently 15 open projects; please let Mary Ann Bryant or Nancy Peake know if your project is complete.

Common Property – No new report – Great workday last Saturday with 24 volunteers to seed, chip, and cut down weeds.

Front Entrance Committee- Preparing a short survey to be sent to membership; Goal is 100 % participation

Horses – Nothing new to report

Road – More washboards because of dryness but hoping to grade FCR Main soon; Cleaning culverts and installing new culvert on FCR Main to help eliminate muddy conditions since 416 Fire; Reminder to keep speed under control – 15 mph on side roads / 25 mph on FCR Main.

Utilities – No report

Water Supply Task Force – No report

Lake Recreation and Beach – No report

Dam Report Received – Just received and will be sent out with minutes.

**Ranch Manager Liaison Report:** Tasks performed this month: Collected bactis and delivered to SJBH; Performed quarterly tank inspection; Cleaned horse pile; Performed maintenance on backhoe; Dealing with tremendous rodent population this year; Worked with Lake Committee re: boat loading and lake pump area.

Barbara Belanger noted that rodents are now a problem on the beach area as well, because they are moving from the dam. Paulette said she does not know how to keep rodents off the beaches but we need to avoid poison due to wild animals and pets in the area. Barbara asked what the small tablets on the spillway of the dam are. Mark said they are not from the enzyme treatment and have been there for at least one year, perhaps more than a year. We do not know what they are.

## **New Business**

### **\* Presentation of plan to rebuild road motor grader – Mark Smith**

Mark reported that Ray Smith did a great job of preventing a fire in Falls Creek when the grader caught fire due to a broken fuel line. Ray could not stop the racing engine with the key but did no by putting it in high gear and popping the clutch.

Local Caterpillar (Wagner) dealer took a look at our grader and discussed options. New ones cost \$185,000 to \$200,000+ and James reported they are having emission standard problems. Used machines bring unknown mechanical problems. Wagner suggested we rebuild our current grader by early December from the ground up with a warranty on the motor and the transmission. Ray, Mark, and Mike McQuinn suggested rebuilding it giving it an expected life of 10 to 15 more years for approximately \$66,000 to \$70,000. Eb asked if the metal, frame parts, and mounting hardware are in good shape or rusted out. Mark said our frame is in excellent condition and the rebuild estimate includes all repairs needed and there is no rust damage. Terry asked about the tires and Mark said Ray changes out one a year and perhaps we should replace the one with a cut in it from maintenance operating funds. Mary Ann asked about when it would be done and Mark said beginning of December. She reminded the Board of the list of the useful life of our equipment for planned replacements, which needs to be provided to the Board and to her so we can plan our capital expenses. Paulette will contact Robin to get the most recent update. Eb asked if the other equipment, primarily the truck with the plow, can keep the roads open if we get a heavy snow until the grader is up and running. Mark said we could hire it done if necessary due to an unusually high snowfall or use the truck and plow blade and/or Volvo. Barry asked if the big orange truck is operational and it is. Terry moved to rebuild the grader as proposed and Les seconded the motion. Mark will check with Warren Seehuus about his advice

on purchasing used or new. James noted that we need to set a limit of up to \$75,000 for the rebuild and Terry and Les accepted the amendment into their motion. The amended motion was passed unanimously.

## **Old Business**

### **• Bear proof dumpsters – James Glover**

We've been working with Waste Management looking for an automatic latch closing mechanism to keep out the bears but be easy for people to handle. Paulette explored with WM changing out our 8-yard containers for 6-yard dumpsters because they could have the automatic latch on them: Planning to go down 1 trash and 1 recycling dumpsters. We could purchase them for \$3,500 per dumpster if we need to get the bear-proof ones with automatic locks like at national parks. WM would service ours even if we own our own dumpsters. We have asked for a cost difference. James will follow up for the next meeting. Bobbie asked if we are planning to be flexible if we have increases next year. Paulette suggested we do have flexibility if we rent but not if we own. She suggested people break down their small cardboard boxes, such as kleenex and cracker boxes. James suggested we rent a rolloff once or twice a year to gather big items like furniture and hardware. It would cost about \$4,000 per week to do so and is an option and James will follow up on this as well. Barry said they brought one in a couple times in past years and parked it by the maintenance shed and it was successful. The Ranch could ask people to donate to help pay for it.

### **• Update/ discussion of Internet Improvement Project – Terry Greiner**

Denny Ehlers is working on the easement draft with Visionary and Terry's input. We need to require all cost of installation including electrical to be paid by Visionary. There are resident concerns from close neighbors to the water tanks. Barbara Belanger reported that they have known for only a month about the possible installation of the antennae and is concerned about radio wave emissions. Some families won't look at a home with higher EMS readings. Property value is especially important to those whose homes would be within 450 feet. Barbara requested a private meeting with Board, those within 450 feet, and Visionary to discuss concerns and get data prior to an agreement. She suggested Elaine and Terry recuse themselves from a Board vote because they want internet. Terry clarified that he has enough speed already and would not benefit. Elaine has been here 43 years and would love to have an antennae on her home to get the Internet. We won't proceed if it is not safe. Residents do want better internet. The Board has not shared all the research and information they have gained with nearby residents. Terry clarified that these are pole antennas not towers. The Board appreciates the specific questions and concerns so they can be addressed with Visionary. We will schedule a meeting with all parties as soon as possible. Eb reported that adding electricity to the top of the water towers will greatly increase the capacity of our SCADA utility system functions since new radios with improved technology could be installed. Terry has asked Visionary to pay for the electrical bills and the installation. James noted that we are still waiting for a final proposal from Visionary and he and the Board are very willing to listening to all comments and input from our membership and seek research before making a decision. Barry said he is not worried about the pole going up by his home because he does not see any medical or visual impact. His neighbor is not worried about the antennae. We have neighbors who have lost home sales because they couldn't get internet and Barry wants to help his neighbors. Bobbie said she wants to bring in

Internet and thinks it will improve property values if we have it. She prefers an open meeting about it when we have the information. Barbara wants to bring in internet if it is safe and improves property values. She wants data, numbers and measurements in terms of federal regulations. She wants to be assured that Visionary cannot increase the size of the pole. Paulette reiterated that we will have the private meeting and then provide information to the residents for further discussion. Terry noted the agreement is an easement and not a lease and we can restrict growth in the easement. Tom Jones emphasized the description of the easement must be very clear and protective of the Ranch.

**• Update on Tennis Court – James Glover**

James verified that approximately \$8,300 from the Shed and Dumpster tennis court users group is still available to resurface it. Best quote was for \$16,000 to resurface and have it painted but it would be guaranteed for only two years due to large cracks that will re-emerge. Need about \$7,700 in additional funds. He asked for the approval to ask residents for contributions to see how much he could raise toward the cost. He would then report to the Board and ask in the spring for the rest of the funds to resurface it. He said it's an asset that will attract home buyers and benefit the Association. Elaine noted that people who used it in the past paid fees to maintain it. James wants to keep it under Common Property and not require a new organization being formed. Les commented that it was self-funded and not part of Common Property expenditures. No Ranch funds were used to build or maintain the tennis courts. It could also be used as a pickle ball court and those interested in that could also contribute. Having a good looking tennis court could be an asset especially with new families with young children. Paulette noted that the previous group had a formal contract with the Ranch which included liability insurance in case someone was injured while playing. The Board membership did not object to James seeking donations to refurbish the tennis courts. The price quoted would include pickle ball court lines. Mike McQuinn thought our insurance policy would cover the liability. James thinks Board funds should go toward tennis courts like it does to the lake and beach since its an added community benefit and it would be open to all residents and guests. Barry noted it comes down to money per member and who should pay for the amenity. Eb said he contributed money in the past and it was a private club. Paulette noted that how the new regulations are set up will determine Ranch participation. She believes it will need to be a formal agreement approved by the membership with the Ranch.

**• Confirmation of the Outdoor Wood Burning Email Vote**

David Hardy believes this change is not a clarification but a basic change to the Covenant and requires a vote of the membership. He prefers a total band of outdoor wood-burning fires but said the Board should establish the procedure for the discussion and vote. A special meeting and a vote is necessary to protect the Ranch and the Board since there is a risk someone will say its void in the future if we do not follow our governing documents. Tom Jones agreed with David that the Board can clarify and not change the Covenant. He believes this is a significant and meaningful change. Prefers no interim policy and it should go to a meeting and membership vote. Colorado courts have found that you must enforce every Covenant or then all Covenants are void. Tom opposes any outdoor wood fires since we have had three of the largest wildfires in Colorado in the last

3 months. Barry supports Tom's and David's position after talking with people who wrote the original Covenants. In early days they had campfires all over the Ranch. Original authors meant to stop all open campfires except as approved by the Board. Due to current drought, wood-fires are a big threat due to embers which commonly start fires here. He thinks the simple way to limit the risk is to eliminate outdoor wood-burning fires. Mary Ann asked if Paulette is still working on a survey to see how many people would support a ban. Paulette is going to send it for preview to several residents to review it before it is sent out to all. She indicated people are currently allowed to have wood-burning fires without restrictions. The Board is not planning to include any regulations around charcoal, propane, grills, or smokers. James noted that the covenant is not clear and needs to be defined. He believes doing nothing is not an option and the clarification is allowed for the Board in the Covenant and the Bylaws. The Bylaws note that the Board can adopt and amend rules and regulations for proper governance and operation of the Association. He thinks the new requirements are more stringent with the interim language and regulation to protect the Ranch during Extreme, Very High, and High fire danger. Tom noted that chimineas were never approved by past Boards but people just had them. He thought 10 feet was too close to allow fires because embers float or fly up to a mile. Barry is concerned about what enclosures are approved and by whom. Often spark arrestors are left open while a fire is burning and embers are blown into risky spaces. He believes this is too loose of a definition. Paulette noted the Board felt the interim language tightened up the regulation and added protection to the Ranch. We may certainly have a vote of membership after the survey if there is a clear mandate. Les moved to approve the September email vote language followed by a published survey and James seconded it. The motion passed. Mary Ann suggested this statement is not a definition of a campfire, but instead the Board is providing standards for having an outdoor fire. Also she suggested that we give a timeline of a schedule leading to next steps. Elaine thinks the Board did not change the Covenant with this statement.

**Calendar of Board Actions: October:** Present/review income tax filing with BOD ( treasurer/ BOD) Submit income tax filing (Treasurer) **November:** Distribute winter road rules to membership ( Roads/ Secretary)

Paulette reminded all that drivers going downhill have right of way during winter because it is more difficult to stop going downhill. Winter driving rules have been published to membership and the front gates are both open.

**Next Meeting/Adjournment:** Next meeting Weds., 11/18/20, at 6 pm on Zoom. Meeting was adjourned at 8:15 pm.

Minutes respectfully submitted by Paulette Church, President.