

Cerise Ranch Property Owners Association

RECORD OF PROCEEDINGS

Wednesday, October 14, 2009, 6:00 P.M.
Clubhouse, 0157 Cerise Ranch Road
Carbondale, Colorado

MEETING OF DIRECTORS

A meeting of the Directors of The Cerise Ranch Property Owners Association (the "Association") of Garfield County, Colorado was held on October 14, 2009, with the following persons present and acting:

- Charles Capobianco President
- Ted Borchelt, Vice President
- April Calabro, Treasurer
- Farrah Roberts, Secretary
- Dave Marrs, Director
- Keith Edquist, Association Manager
- Kim Clinco, Association Accountant

Meeting topics: Past due assessments Lots 26 and 59. Owner's survey results, proposed Board letter regarding conditions in the neighborhood, unauthorized Design Review projects, new DRB member, financial reports, upper ditch operation and shutdown, Basalt Water Conservation District expense, Dakota/Highline ditch issue, budget preparation.

Owner's Open Forum

Owner Martha Capobianco came to say that dogs at Lot 24 are not leashed and acting aggressively when she has walked the common area path. She says the dogs are loose when the owners are at home. Management was asked to make a courtesy phone call to these owners and follow up with a letter regarding this. Note was made that dog issues ultimately will be referred to the Garfield County Sheriff.

Consideration

The minutes of the prior meeting of July 29, 2009, and of September 2, 2009 were presented for approval. There followed a motion, seconded and carried unanimously to approve these minutes as submitted.

New Business

Manager Edquist asked the Board to accelerate assessments payments on Lots 26 and 59. There was a motion, seconded and carried without further discussion to do so. President Capobianco signed a lien form for 2009 assessments on Lot 26, which Mr. Edquist is to file with the Garfield County Clerk and Recorder. There was a brief discussion in regard

Cerise Ranch Property Owners Association

to the condition of Lot 59 and the efforts to clean up the lot and clear liens by a person working to take possession of this property.

Mr. Edquist had drafted and sent the Board for review a letter proposed to be sent to all owners addressing covenant violations in regard, principally, to landscape. After discussion, the Board determined to send this letter in the spring, when there is more opportunity for response and for owners to work on the landscape or other problems. Mr. Edquist was asked to let the owners know that street parking is not allowed in Cerise Ranch; this to be done in association with a general email as regards snow removal.

Discussion passed to two property improvements that have been completed on lot 48 and lot 5 which were not reviewed by the Design Review Board. The Board determined that both projects should be submitted to the DRB for review along with any associated fees, as may be determined by the DRB. There was direction given to management to work with DRB to determine what type projects need review, and to determine an appropriate fee, or sliding scale of fees, which would apply to submissions. Discussion revealed there is great uncertainty as to what is to be submitted to the DRB, and at what expense to the applicant. There was recognition of the need to better inform the ownership of the DRB process in regard to cosmetic and landscape improvements to completed homes.

Mr. Edquist said he had contacted owner Peter Dolan in regard to membership on the Design Review Board, and that Peter had volunteered to participate. The Board immediately endorsed Peter Dolan for the 5th member of the Design Review Board. Mr. Edquist will advise Mr. Dolan of the Board's approval.

Old Business

Discussion passed to the shutdown and removal from Lot 28 of the temporary irrigation lines run to feed the upper ditch in Cerise this summer. Landscaper Hazard is to remove this from Lot 28 and store the materials above the pump house at the east roundabout.

In association with this, the Board briefly discussed the repairs necessary for the piped Highline ditch in the Dakota subdivision. Director Borchelt was to contact developer Ed Podalak/Dakota Partners LLC, to see what he recalls regarding the maintenance agreement for this piped section of ditch. Director Calabro was to contact contractors for bids on repairs to the piped ditch. Mr. Edquist said he would contact the Harris-Reed Ditch Company, and adjacent landowner Dennis Cerise to see if they might have records of maintenance agreements for this section. There has been considerable expense to the Cerise association in regard to this matter both from the Metropolitan District in establishing an alternate water source, and for legal advice as regards the maintenance responsibility for the piped ditch in Dakota.

In other business, Mr. Edquist was asked to write owner Roget Kuhn a letter in regard to Lot 16 and existing drainages and easements at that location. This is to be drafted and submitted to the Board for review prior to sending.

Cerise Ranch Property Owners Association

The results of the owner survey were briefly discussed, as these had been collected by Vice-President Borchelt and sent to all the owners for whom the POA has email addresses. The greater part of the respondents (19 of 68 owners) felt the best use of CRPOA funds would be additional tree plantings on the berm separating common space from Highway 82. *The results of the survey are appended, and become part of, these minutes.* It was noted that specific owner names should not be included in any such future survey results. Keith said he would call CDOT in regard to the placement of signage for Cerise Ranch Road on Highway 82, which was one of the suggestions from the survey.

The Board determined that CRPOA would like to purchase and maintain the existing website, and asked Mr. Edquist to contact webmaster Mark Pearson and gather the necessary details and proposal for ownership and maintenance.

Director Marris recapped his work done with attorneys Patrick, Miller and Kropf, and the Metropolitan District and the Basalt Water Conservation District, in relation to the evaporative water rights the CRPOA presently owns and pays the BWCD for annually. Dave said those amounted to 52 acre feet, and that the POA could reduce this number to 21 acre feet and have adequate rights, including the ability to sell the right to build water features to owners in the Association; this would also reduce the annual expense. Dave expected another \$700 in legal expense to complete this process. There followed a motion, seconded and passed unanimously for Director Marris to pursue this reduction in costs with the Basalt Water Conservation District.

Budget Work Session

The Board spent the balance of the meeting in a review of line item expenses incurred in 2009 to date. Accountant Kim Clinco and Manager Edquist provided spreadsheet data and an assumptions document to assist in the trial budget work session. The Board reviewed each line item in view of the present economy and the responses from the owner's survey to reduce assessment expenses wherever possible. At the end of the meeting, proposed assessments for 2010 had been reduced from 2009 levels. The Board asked the proposed figures be placed into a new budget spreadsheet format that will allow tracking of expense by month in 2010.

There being no further business to come before the meeting, the meeting was adjourned at 9:25 pm.

The next regular meeting of the Board will be Wednesday, November 4, at **6 PM, an hour earlier than usual**, in order to complete work on the 2010 budget.

Respectfully submitted

Keith Edquist, EMRE LLC, Association Manager

CERISE RANCH PROPERTY OWNERS ASSOCIATION, INC.
Charles Capobianco, President

Cerise Ranch Property Owners Association

Addendum--Cerise Ranch Owners Survey Results –Summer 2009

September 2009

Owners Survey – **19 Responses total**
Cerise Ranch POA

In an effort to gather more input from each home/lot owner in Cerise Ranch, your Board of Directors hopes that you will take a moment to respond to this survey. The Board and management will use the results from this survey as a guideline for the future of Cerise Ranch.

Thank you in advance for your participation.

1. Please circle which statement most accurately reflects your opinion of the monthly/quarterly dues:
 - a. **(9)** About right, fair value
 - b. **(10)** Too high, cut expenses wherever possible.
 - c. Too low, add services and amenities

Comments:

- **Cerise Ranch is amongst the toughest “sells” in the entire valley. HOA fees are pst of that equation.**
- **The amount seems to be fair but since we have not used or lived in the property yet it is difficult to judge.**
- **Annual meetings have indicated there is not much room to decrease dues, but need to keep dues at a minimum as compared w/ other communities.**
- **Too high for vacant lot**
- **The executive board seems to be maximizing services/amenities without raising the dues for this year.**
- **Make cuts if possible.**
- **Too high – economic reality of present**
- **In this economy we need to cut the fat.**
- **Would prefer lower of course but if that is what it costs then so be it.**
- **A little high but we don’t want anything cut and we don’t want to see them go any higher.**
- **Feel we get adequate services for our fees.**

2. Please rate your level of satisfaction with the Cerise Ranch Board of Directors:
 - a. **(3)** Excellent
 - b. **(10)** Good
 - c. **(6)** Fair

Comments:

- **The Board prior to Nov 08 was unacceptable. We’re hoping with the new members and elections that will change dramatically.**
- **The Board seems to address issues in the community as required without being overly invasive.**

Cerise Ranch Property Owners Association

- Improve communication and transparency on community decisions – especially with out of state residents/owners.
- They nitpick on housing designs – not everyone has multi-million dollar houses.
- With the election of three new directors the board seems to be more fiscally responsible, more representative of all property owners. An existing board member seems to continue to tow the line in being fiscally responsible and representing all property owners. An existing board member has the potential to be a great asset to the Executive Board but his behaviors which may be allowable/legal under CR guidelines and covenances, are not with openness and candor. Specifically his attempt to pass the RETA without input from all property owners projected deception. He also projects that his title as President allows him to speak/represent the entire Executive Board without actually having a meeting or receiving the entire board's input via email or phone conversation. Specifically, his phone call to the Gruenfelds regarding their hosting a fund raiser for the Basalt High School Boys Soccer team trip to Spain in their garage over several weekends. He told the Gruenfelds they needed permission from the Executive Board, citing the need for a parking plan and written explanation of the fund raising techniques. As a property owner I was approached by two separate parents of soccer boys who are real estate agents in this valley for over 20 years. Each wanted to know what kind of board president would object to a home owner hosting a fund raiser in their garage. Each stated that it was already difficult to sell a home in Cerise Ranch, but this board member's opposition projected a highly negative image of the Cerise Ranch Community. He needs to work on projecting Cerise Ranch Community as a pro-family, pro-school, pro-Roaring Fork Valley.
- Too centered and dependent on president. Need more participation and transparency.
- Looking forward to having another individual on the board.
- Homeowners need to be informed of issues.
- Seems a bit better now. There is more communication.
- Current Board of Directors hasn't really had the time or opportunity to show what they are capable of. So far, what we don't like, are the unprofessional, accusatory, negative, emails and phone calls that are sent by a few of the current board members. These emails are sent out without proper research or information to a select group of homeowners. This form of communication serves no purpose but to undermine the goodwill of our neighborhood and property values. This type of unprofessional, political, communication has to stop in order for this neighborhood to have a well functioning Home Owner's Association.

3. Please rate your level of satisfaction with the Cerise Ranch Design Review Board:

- a. **(6)** Excellent
- b. **(7)** Good
- c. **(5)** Fair

Comments:

- **N/A. But the comments we have heard from owners is not encouraging.**
- **The Board needs to temper its enthusiasm by not requiring too much too soon from the new homeowners. I respect their concern that homeowners comply with reasonable guidelines but many times all the info is not available.**

Cerise Ranch Property Owners Association

- Quality of design has improved past 2 years – needs to push along homes under construction over 1 year.
 - The various configurations on lots are not considered.
 - The addition of two new DRB members seems to be a move in the right direction. Previous interactions with the 3 member DRB relied too heavily upon their subjective opinions not enough on the objective guidelines. The DRB's roll is difficult. I believe most infractions by property owners are out of ignorance of the guidelines not a direct disobedience. The DRB should have the administrator carry out infractions with education/instruction as well as consequences if an infraction is not corrected. Property owners would be more receptive to instruction/education than an initially punitive approach. The DRB should NOT make changes to the design guidelines without review and vote by the Executive Board. In his role as Executive Board President and member of the DRB, he executes decisions without bringing them up for review of all board members at executive board meetings or in email/phone messages.
 - When we have re-submitted, we got suggestions that were not applicable because board did not visit property (i.e. spent \$2000 on road base and wasted after the fact that we didn't need it so we put it on the easement) (i.e. put trees more than left from road when they were actually 400 ft from road).
 - We felt many items were based on personal preferences of the DRD members not on the guidelines.
 - Don't make it undesirable for people to want to build here. If someone wants a tree, they shouldn't have to pay \$150 for the review.
4. Please describe your level of satisfaction with the Property Management and Emre LLC.
- a. **(6)** Excellent
 - b. **(7)** Good
 - c. **(2)** Fair

Comments:

- While his recent (6-8 mos) efforts have been encouraging in the area of communication we don't see the need for a manager at this time – that is the board's job – maybe the members get to suspend their dues to serve on the board even then we save \$ by eliminating the mgr. position.
- He is always very responsive.
- The Board should be signing all checks for expenses, including property management's personal fee. I.e. Board Treasurer or other member.
- He keeps on top whatever is going on, any chance of a monthly e-letter?
- With the recent highline ditch/Dakota sink hole crisis he has shown dedication to resolving this complex situation. He is knowledgeable, organized, and professional. He would be more effective if he could take direction from the decisions of the executive board instead of waiting for another's word, as President. He works for the entire POA not just the Board President.
- As far as I know, Keith works to do a real good job.

Cerise Ranch Property Owners Association

- Don't know what they all do.
- He has taken a huge load off of the board members and does a great job handling the "ins and outs" of the HOA.
- Level headed, responsible, experienced as a property manager.
- Seems to stay on top of most things. Again, we the homeowner and his employer need to be informed.

5. Please describe your level of satisfaction with the snowplowing and shoveling at the Clubhouse:

- a. (12) About right
- b. (4) Too much, only plow when we get more than 6"
- c. Too little, plow and shovel we get an inch of snow

Comments:

- We don't live at Cerise so we don't really have an opinion.
- Don't know, haven't spent a winter yet at the house.
- Usage minimal in winter, needs minimal maintenance.
- Doesn't apply at this point in time.
- Don't know anything about this.
- Do not like snowplow pushing rock gravel that I paid for away from front of house parking areas. Now I have to pay for more rock to replace.
- Service does an excellent job.
- They move the rocks in front which we did not want there because we knew that was inevitable.

6. Please describe your level of satisfaction with common areas landscape maintenance:

- a. (7) Excellent
- b. (12) Good
- c. Fair

Comments:

- The grounds always look great, the pool area isn't always picked up by individuals who use it & leave trash behind & in previous years the playground equipment wasn't very well maintained specifically the slide was broken & unsafe for most of the summer as well as were the spindles on the railing from the tree house.
- Considering economic limitations the area looks nice. Needless to say, if there was more money available it could be enhanced but we have to recognize the current circumstances.
- Looks good – community clean up great idea annually
- Front entry much improved!!
- Could be better
- Flowers look beautiful
- I think we pay way too much for this service however.
- Nice improvement last year
- The landscaper is hardworking and does a great job.

Cerise Ranch Property Owners Association

7. Please describe your level of satisfaction with the Pool/Clubhouse and recreation areas around the Clubhouse:

- a. **(3)** Excellent
- b. **(12)** Good
- c. **(4)** Fair

Comments:

- **Exercise room is cramped with large equipment.**
- **More lounges if the budget would allow.**
- **We don't use the Clubhouse much. Pool size is limiting – would be more useful if it was an official lap pool.**
- **We are starting to see a lot of parties and non-homeowner use. I think that our pool guidelines need to be re-emailed to all homeowners and the guidelines need to be enforced. Homeowners pay a lot of money for the pool and we have to be careful that it doesn't get used by people not paying for it.**
- **Concerns regarding security**
- **We don't use it much.**
- **Could use some more flowers to make it more inviting**

8. What short-term Capital Improvements, if any, would you like to see implemented throughout Cerise Ranch?

- **None – I don't think we should take on any new projects – however I would like to see the playground area maintained and/or made safer or expanded.**
- **More trees to buffer the highway.**
- **Need a street sign at Hwy 82 “Cerise Ranch Drive” or in medium – ½ mile to intersection.**
- **Exercise room need larger**
- **Repair pot holes near round about on Cerise Ranch Road, and as you exit Cerise Ranch on down valley highway 82. Put boulders where someone drives on the grass to avoid the speed bump.**
- **None hold tight**
- **Trees planted as a sound barrier to Hwy 82.**
- **Better lighting at entrance**
- **More speed bumps on Larkspur. Traffic flies on this road where there are a lot of dogs and kids.**
- **Mowing all fields – once per year**
- **Upper ditch up and running at 24/7 w/ adequate flows**
- **Screening of Hwy 82.**
- **Fix the pop holes**
- **None, really not the right time.**

9. What long-term Capital Improvements, if any, would you like to see planned for the future of Cerise Ranch?

Cerise Ranch Property Owners Association

- Adding to the berm on the highway w/ dirt & trees and possibly upgrading the pool/clubhouse to handle wear & tear of additional usage as more homes are build/sold.
- Approach County to re-designate wetlands and increase length of berm along Hwy 82.
- Access 82 from the east end of the property thus saving gas.
- The trees that line the highway close to the entrance are beautiful and serve their purpose in blocking highway traffic. Eventually, it would be great to see them line the whole Cerise property east to west along the highway.
- Replace rotting wood on the log fencing near bridges/culverts. Improve the bike path.
- None hold tight
- Extend berm w/ some trees along highway.
- Complete the berm on 82 as a noise barrier & aesthetically
- Pathway new weed cloth, stone. More trees along 82 (must water then). Community garden (fencing and water)
- Berm and screening of Hwy 82.
- Bike path paved or imported stones
- I would like to see a stable for horses and maybe a community garden.

10. Additional comments and suggestions:

- Thank you for all your time & effort – it is appreciated!
- Look forward to being part of the neighborhood soon.
- Allow this survey to be sent anonymously via mail, since some of us fear retribution since we are in the midst of approval with the DRB. I wish our executive board and DRB instilled a sense of trust worthiness instead of mistrust.
- Amazing to me that the president of the board repeatedly seeks to discover through attorney-evidence that upper ditch and lot owners are not part of the CRPOA. Who pays for these individually driven legal fees?
- We are planning on selling out property within the next five years, and we support a strong RTT. We need that revenue to fund the capital projects which need to be completed.
- Welcoming committee for new residents – I would volunteer.
- All lot owners need to be informed on all decisions!!! Democracy Now!!!