

Minutes  
Buckhorn Ranch Board of Directors meeting  
Tuesday, November 07, 2006  
At Guy-Icon office, 111 Elk Avenue, Crested Butte

This meeting scheduled for 6:00 p.m. and followed the closed executive session with the Board and attorney David Barton.

Board members present: Grant Bremer (President), Fran Guy (V.P.), Ross Tunkey (Secretary), Janet Wiesner, Ben Somrak, Dick Landy ( who showed up shortly after meeting began).

Meeting called to order at 6:15 p.m.

The BOD is to send revised 8/12/06 HOA minutes to all HOA members along with the next billing statements.

The BOD reviewed minutes from previous BOD meetings:

10/02/06 – Read and approved.

09/26/06 – Read and approved.

09/13/06 – Read and approved.

Grant stated the BOD is to discuss that the BOD is to approve of all minutes, HOA and BOD, before they get mailed out.

Ross restated from a previous meeting that the HOA needs to set up Buckhorn Ranch website for notices, posting of minutes, budgets, etc. Homeowner Mike Higgins agreed.

Next: Janet has talked to Doug Gorman and Peak Properties re: handling the accounts for the HOA.

Janet made MOTION to have a C.P.A. do preliminary review of the QuickBooks file, then the HOA can contract a licensed and bonded C.P.A. to handle it for the long term.

Grant seconded the motion. Motion carried unanimously.

Janet made MOTION to have Ellen continue to make deposits into account thru 12/31/06.

Fran seconded. Motion carried unanimously.

Janet made MOTION to get general liability insurance for all of 2B; quote is \$12.11 per lot.

Peter Nichols seconded. Motion carried unanimously.

Grant filled in present members on previous BOD executive session with attorney David Barton.

Grant announced next BOD meeting scheduled for 11/14.06, open session, to meet with Barton.

The BOD decided to open the floor for members to voice their opinion on Stallion Park. Opinion is as follows:

Sheri Moyer and Carl Moyer, lot M3-45

Sheri: Stallion Park is a benefit to our community. The BOD should approve the buildings. The height is a trade-off for the garages.

Carl: The modular argument pertains to temporary structures. Stallion Park is very nice – just compare to many of the other buildings in the valley. The county approved the height and they won't move to tear the buildings down. The Board should approve with variance.

Trevor Maltby, lot M2-35

The buildings are there, like it or not, and to consider tearing them down is ridiculous. Lawsuits are a big waste of money. The buildings look fine and will serve well the needs they were built for. Resolve this issue as quickly and painlessly as possible.

Channing Boucher, M3-15

Agrees with all the above, the BOD should move to mitigate, not litigate, and to approve of Stallion Park.

Jeri Gott, lot 34

She likes Stallion Park, it is a big attribute to Buckhorn, it is absurd to speak of tearing the buildings down. The BOD should support the project.

Mark Solari, lot M3-52

It is unfortunate that the BOD does not have better communication with the homeowners. He has written letters to the BOD but has not received any response. The HOA is getting dragged into a lawsuit, spending HOA money, and this is unfortunate. He wants answers. The BOD needs to determine if Stallion Park did not go through proper design review, and from what he sees it appears that it was not proper, he wants answers. He says the buildings are too high, and modular. Landscaping will help.

Ben Somrak stated the DRB process at Buckhorn has been loose from day one, but the DRB has tightened its process. Stallion Park is a direct result of the historically lax design review process.

Mindy Sturm, lot M3-16

Wants to make it very clear that the issues raised over Stallion Park have nothing to do with the fact that low-income people will be living in the development. The issue is that there are homeowners concerned that the Protective Covenants and that Design Guidelines was not followed properly. The builders of Stallion Park have been given the

opportunity to mitigate the issues, and nothing has been offered. This is disappointing. She is not happy that Dick threatened to sue the BOD if the BOD tried to stop Stallion Park from completing (referring to the 9/26/06 BOD meeting). She recommends the BOD pay to review the issue with attorney, determine if Stallion Park has been approved properly or not.

Pat Wiesner, lot 10

His house and Dick's house were the first houses out there. For 10 years it has been like this out at Buckhorn. It is a developer issue, and never easy because homeowners want different things. There is dereliction in two ways: 1) The DRB has not been effective; 2) Dick as developer has always gotten his way. Landy's position w/ the controlling vote has always been difficult for members. For Stallion Park: the HOA needs to do something beyond basic mitigation: 1) the mitigation plan needs to be REAL, and then it needs to be EXECUTED; 2) stop building anything in Stallion Park that is not already complete; 3) give the DRB the chance to decide the fate of the upcoming buildings. This was never been done; 4) we need an ironclad DRB system to prevent the developer from ever doing this again; 5) the HOA should not let Landy get out of this easy. Landy should have to pay, and he must complete ALL the unfinished development projects at Buckhorn. Only then can the BOD ease up.

Dick Landy commented he already has a bond with the county ensuring he will complete the development, and requiring him to complete the essential housing.

Grant said he agrees with Pat Wiesner and has already sent a letter to the county urging them to hold Landy accountable.

Randy Felix, lot M2-6

Has major concerns with Stallion Park. The buildings are 39 feet tall, or 33.5 feet tall? Did they go through the correct channels for review? If yes, fine. If not, that is a problem – they should have to come down.

Sally Hall, 15 Earhart Lane

Has lived there for 5 years. Stallion Park is not a big impact for her. Don't bring the buildings down. Would like to see construction come to a halt; the BOD should enforce this request. Issue is not affordable housing. The review process and approval is the issue. It would be lovely if Dick could be more amenable; no more bully attitude. We are all neighbors. She love living at Stallion Park. Where are all the promised improvements from Dick? Where was the DRB? Don't let Dick off the hook. Dick's empty promises include: water tank was four years late; no tennis court yet; where's the rec path; amenities. Dick's attitude helps no one.

Cindy Santangelo, River lot 51

She does not feel informed as a member, her husband is an attorney, the HOA dues are way too low, wants the BOD to keep attorney hired to figure all this out.

Mike Higgins

He has been a homeowner at Buckhorn for 5 years. He was on the first DRB. Before that Dick and the few members functioned as the DRB. When Stallion Park was proposed there was a DRB in place, with hired architect to review plans. He did not want to be head guy on DRB so he gave the position to Paul O'Conner, who later sold his lot. Then Justin joined the DRB, Dick was still on, and since then no-one has seen any plans for the homes that followed. Mike went to the county, asked JoAnne Williams "Who approved Stallion Park" and she showed him the letter signed by Justin. He recommends that the DRB never would have approved Stallion Park's plans. The buildings are high and cheap. He owns two lots. There needs to be mitigation. Dick needs to put money into the project and into the development as a whole. There has been developer neglect. There should be new management.

Peter Bogardus, on behalf of Michael Wiener, homeowner

HOA members have rights in the Covenants. Read them. Know them. Builder should not get away with Stallion Park. No members like being put into this situation. Wiener is standing up for his rights as a homeowner. The developer has committed a crime, the members are going to hold him accountable. Wiener claims there has been violation. The BOD has done nothing yet. (Ross Tunkey interjected that the Board has not acted yet because the Board had not received good legal counsel yet. The Board will act once the Board feels they have been counseled sufficiently). The more we dig, the more problems we find. Wiener wants the buildings torn down. Bogardus has heard from other members who agree.

\*Note from the Secretary: the above accounts by individual owners are presented in more detail than usual because the Board specifically asked owners to give their opinions on these issues.

An open discussion between the BOD and members regarding Stallion Park followed.

Next:

Plowing: Mike Higgins reports he has a signed contract with Scott Bogart of Pinnacle to plow this winter; he will get the contract to Grant.

The Board asked Dick for the receipt for the \$9,000 Mag Chloride treatment from this summer.

Next:

Roads: Janet said we need to get the roads graded and the HOA should not have to pay for it. Dick should.

Next:

Ben Somrak's position of the BOD and DRB: Ben will look into quitclaim deed to get his name on the deed. Will report to BOD at 11/14/06 meeting with final decision.

Next:

Roads in 1 and 2A: Janet said that in the event Dick won't repair the roads the HOA will escrow \$3000 from 1 and 2A account to get the job done. The HOA can then bill Dick for the amount spent. Janet will speak to Dick first about this.

Janet is to deposit the \$12,000 check from the account that Ellen managed into the Bank of the West account that Amy Higgins opened on behalf of the HOA.

Next:

Board's assessment of Buckhorn Documents handed over by Dick upon Board's request: Grant says it is a good start.

Pete Nichols made motion to adjourn. Fran Guy seconded; unanimous in favor.

Meeting adjourned at 9:35 p.m.

These minutes have been prepared by Ross Tunkey, Secretary.