

**Subject:** Minutes of the Annual Summer Meeting of The Piñons of Turkey Cañon Ranch (PTCR) Homeowners Association (HOA), June 24, 2018.

Notice of meeting was sent June 8, 2018, pursuant to the provisions of the PTCR HOA Bylaws.

The meeting was preceded by the Annual HOA Picnic. The picnic and meeting were held outdoors at the HOA Gazebo. Unfortunately, the meeting was interrupted by a hailstorm that caused numerous attendees to flee, seeking to avoid damage to their vehicles. Despite the hailstorm, sufficient attendees and proxies remained to achieve a quorum for the election of new board members.

**Minutes:**

Meeting was called to order at 3:45 pm by Steve Firks, HOA President, and held at the PTCR HOA Gazebo. Due to the appearance of an approaching storm, the meeting was started a bit early.

Introductions (names and general lot locations) were made by the members in attendance. A signup sheet and the HOA roster were circulated.

Twelve (12) lots were present and eleven (11) lots were represented by proxy for a total of 23 voting lots in attendance. A quorum was met (minimum of 18 lots, 30% of lot owners required).

First order of business was the reports of Officers and Committees

□ Wayne Bartley, Covenants Committee

- There are no covenant complaints currently in process.
- Wayne advised members to be aware of the most frequent complaints:
  - Dogs off leash or barking
    - The covenants state “Animals shall not be permitted to roam the Property and shall only be permitted off the Lot of the Owner of the animal if on a leash,” and that “No excessive noise . . . shall be allowed to emanate from any lot.”
  - Visibility of RV’s, trailers, utility vehicles and equipment, etc.
    - The covenants state that “Utility trailers, boats, and recreational vehicles may be stored outside a structure provided they are out of sight of the subdivision roads and adjacent lots.”
- HOA President Steve Firks reminded the attendees that the HOA does not operate as “covenants police”, actively patrolling for covenant violations. However, if a

complaint is received, or if the violation is blatantly obvious, the HOA is obligated to take appropriate action to address the violation.

- Members brought up a covenant topic, regarding excessive lighting on one property within the development.
  - A formal complaint had been submitted last year, which was acted on by the HOA Covenants Control Committee and the HOA board. The complaint alleged the property displayed excessive and intrusive lights all night long. The property had recently transferred ownership, and the new property owners chose to keep exterior security lights on during hours of darkness. The lights had apparently been on the structure since its construction, but were rarely, if ever, used by the previous owner.
  - The HOA board contacted the new owner, who voluntarily reduced the wattage of their exterior lights and redirected them. The HOA Board deemed the complaint resolved.
  - Two members in attendance complained that the lights on the subject property continue to be excessive.
  - The Board agreed to review this specific complaint and the covenants that pertain to lighting.
  - The issue here is that the HOA can only enforce the actual wording of covenants, not what we might “wish” they said. In some cases, the wording of PTCR covenants are subjective or ambiguous, leaving the intent subject to interpretation. Of course, the complainants feel their interpretation is the correct one. Circumstances like this have been litigated numerous times in the state of Colorado, and the courts have routinely ruled against enforcement of subjective or ambiguous covenants.
  - The Covenants deal with the issue of lighting in two areas:
    - Section 113, Nuisances, states “No excessive noise, light, or odors shall be permitted to emanate from any Lot.”
    - Section 203, Architectural Control by the Association, states “the use of high-intensity exterior security lighting, including but not limited to halogen, sodium vapor, or mercury vapor yard lights is prohibited. Where possible, exterior lighting should be low to the ground or directed downward, so as to minimize its intrusion on adjacent Lots and the roads of the Property. Incandescent house

lighting, low voltage or solar lighting does not require approval by the Committee.”

- Words such as “where possible”, “should be”, “so as to minimize” and “excessive” are problematic, in that they are commonly deemed by the courts to be immeasurable and subject to interpretation.

□ Mike Heer, Treasurer

- The treasury report is basically a summary of where we are. We have \$37,565 in our bank account. We have paid a few of our major obligations so far this year, totaling ~\$5,000. We have significant items left to pay out this year, including our donation to the Hwy 115 VFD for fire mitigation, and all of our insurance policies that will come due later this year.
- Mike Heer reported that so far this year we are running with a small surplus even though we try to manage right on the edge of the budget. Right now we are projecting a positive balance at the end of the year.
- If you would like further details Mike Heer has the budget and will discuss the budget with you right after the meeting if you have any questions.

□ Bill Sheaves and Mike Heer, HWY 115 Citizens Advisory Committee

- We are hopeful the matter of the Hitch Rack Ranch (HRR) Quarry is dead. The CAC concludes this because of recent actions by Continental Materials, the parent company of Transit Mix. In their three prior annual reports, Continental Materials had capitalized the costs of pursuing a permit to mine the HRR for aggregate. In this year’s annual report, after the CDRMS Board again denied their second application, Continental Materials wrote off a \$6.9 million investment in the permitting process.
- It is also noted that Transit Mix has removed the two public announcement signs that had been posted on the HRR.
- Further, Transit Mix has filed to withdraw its previous suit seeking judicial review of the CDRMS disapproval of their first application.
- It must be noted that Transit Mix has made no public announcement, and will

likely not do so until after CDRMS formally publishes its decision and rationale in writing. Once that occurs, Transit Mix has 30 days to respond.

- We owe a huge debt of gratitude to the members of the CAC for a long, courageous, and skillful campaign to protect our interests. Exceedingly few mining applications are disapproved in the state of Colorado . . . and we have won . . . twice!

□ Phil Heacock, Common Area's Committee

- After several years of pestering the El Paso County staff, our subdivision roads have been chip-sealed. While we would have preferred that the roads had been resurfaced, we are grateful for the improvement in the road surface and the appearance of our community.
- Members of the HOA board cleaned and re-stained the Gazebo in early June, significantly improving its appearance and hopefully extending its service life.
- The Common Areas Committee is always looking for ways to enhance the appearance of our community, and solicits ideas from HOA members.
  - Bill Sheaves broached the idea of replacing the street and stop signs within the Piñons to enhance the appearance and ambience of our community. Preliminary research indicates a cost approaching \$10,000. Such a project is not affordable in a single budget year, so would require either: 1) a special assessment, 2) a multi-year budget investment, 3) dipping into reserves, or 4) a combination of the three. During discussion, some felt such a project unnecessary; some liked the idea but preferred a multi-year approach. A special assessment was not a popular consideration. The board will continue to assess this and other means to enhance the appearance and ambience of the Pinons.

□ Steve Reed, Architectural Control Committee

- Since our December meeting, one new house has been completed, one new house is currently under construction, and one will begin construction this summer.

The second order of business was the election of members to the HOA board of directors.

- Our HOA Bylaws were modified last year to increase the maximum number of

HOA Board members from seven to nine.

- Board members serve a three-year term. Steve Firks and Wayne Bartley have completed their current terms. Steve declined to run for reelection; while Wayne consented to serve, if elected.
- Lisa Pecoraro, Cindy Ragan and Andrew Staats placed their names on the ballot for election.
- All four persons on the ballot were unanimously elected.
- It was noted that the HOA members elect board members, while the HOA board assigns board members to specific positions.
- The resulting board of directors consists of (remaining term in parentheses):
  - Jim Prickett (1 year)
  - Steve Reed (1)
  - Phil Heacock (2)
  - Mike Heer (2)
  - Bill Sheaves (2)
  - Wayne Bartley (3)
  - Lisa Pecoraro (3)
  - Cindy Ragan (3)
  - Andrew Staats (3)
- The HOA thanked Steve Firks for his nine years service on the HOA board, including five years as President. Steve was especially instrumental in overseeing transfer of the propane system from the developers to the HOA, shifting operation of the propane system from Ferrell Gas to Glaser Gas, and ultimately arranging the transfer of ownership of the propane system to the Water District in order to gain the cost advantage of government insurance rates.

There being no unfinished business, the meeting was adjourned at 5:15.

**FOR THE PIÑONS OF TURKEY CAÑON RANCH HOMEOWNERS' ASSOCIATION:**

**Jim Prickett** Secretary, PTCR HOA

(compiled by Bill Sheaves, in the absence of the Secretary)