

PROCEEDINGS OF THE DILLEY RANCH PROPERTY OWNERS' ASSOCIATION BOARD

REGULAR MEETING MINUTES

Saturday, April 15, 2023

THE DILLEY RANCH PROPERTY OWNERS' ASSOCIATION BOARD MET IN REGULAR SESSION VIA CONFERENCE CALL AND IN PERSON

ROLL CALL/DETERMINEE QUORUM

The meeting was called to order by Claire McCutcheon, President at 10:08 a.m. Roll call was taken, and the following were present:

Claire McCutcheon	President
Lavonne Bullard	Vice President
Tina Jones	Secretary
Dave Latham	Treasurer
Alex Wilcox	Member
Denise Swanson	Member
Jaron Tyner	Member

A quorum was established.

Property Attendees:

Kath Cox – via conference call
Susan Scott
Cheryl and Richard Yankoff
Paul Picou
Ryan and Kristen Bittman
Leslie Hooks
Tammy Tyler

REPORTS

Minutes:

The December 11, 2022 board meeting minutes were approved, and posted on the website.

Treasurers Report:

Kirkpatrick Bank Balance:
\$37,271.82

Undeposited Funds:

\$687.26

Bills Paid:

Accounting \$30.00

Conference \$28.04

Road Maintenance \$11,550.00

Cattle Grazing: \$54.00

There are two property owners who have outstanding dues. We will be filing a lien against these properties.

Motion: Claire McCutcheon made a motion to accept the Treasurer's Report.

2nd by Lavonne Bullard

Passed Unanimously

Road Committee Report:

Finalized the road contractor, he has completed the agreement and the insurance requirements. Our road contractor is Vince Olet (Spelling?)

Dave Latham received a copy of the signed agreement as well as the insurance information. Dave is to email these documents to the DROPA Secretary so that they can be scanned and uploaded into the DRPOA Archives.

The Road Committee consists of the following members:

Dave Freeburg, Paul Picou, Mike Scott, and Alex Wilcox.

Position:

No road grading until we get moisture. Grading the roads now will do more damage; it will make the wash board worse.

To Do List:

- Redo the culverts by the Lawrence Property. This will not be done until we get more moisture.
- Trimming of a big Pinon Pine that is causing a blind area on Tibby Trail. The tree is located on the Dilley Ranch easement. Committee will remove the tree.
- Alex Wilcox and Paul Picou have flagged culverts on the Dilley Ranch that need to be cleaned out. There are a total of four (4) culverts; 3 are on Dilley and 1 is on Tibby; all of the culverts are on filing 4. Filings 1, 2, and 3 are good. They will approach Vince to have these culverts cleaned out.

Vince Ouellette has the snow contract; he knows the Dilley and won't take advantage of us like other contractors have.

The Road Committee proposed/recommends that the board authorize that they have a discretionary spending of up to \$2500.00 to have small items that need to be fixed around Dilley Ranch. Example: There were two (2) T-Post that were run over and needed to be replaced. This way we can just call Vince and have him take care of things. We will notify Dave Latham and Claire McCutcheon.

Discussion:

Tina Jones stated, as a board member I would like to know what the discretionary money is being spent on.

Motion made by Lavonne Bullard to authorize the Road Committee to have a discretionary spending of up to \$2500.00 and to notify Dave Latham and Claire McCutchen.

2nd by Dave Latham.

Approved by Claire McCutcheon, Lavonne Bullard, Dave Latham, Jaron Tyner, and Denise Swanson.

Road/Property Line Disputes:

Mr. Chambers

Mr. John Peck

Discussion:

In regards to John Peck's letter regarding disputed boundary with neighbor. Alex stated the Road Committee unanimously recommendation to the DRPOA board is that we DO NOT relocate Bobcat Trail. The road has been at the current location for 41 years. The Dilley and the county are replete with incidents where roads bi-sect or cross through people's properties.

John Peck states he has lost land, he has not lost land, he still owns the land. The map he sent shows that his land goes across Bobcat Trail and up the hill on Bobcat Trail. The fence that borders Bobcat Trail in my opinion is illegal and was put in by Ray Lang and was put in 20 years ago. Our recommendation to John Peck is to move the fence. Everybody that has been here awhile knows that when Dilley surveyed the roads that if they ran into a natural obstruction, they went around it. That is the case with John.

There are other instances in which other properties have the same problem. One of them is even actually the county road, and you know the county is not going to move CR271. John Edy's property is cut in half by CR 271. As you go further north, Roever's have a 35-acre lot and it is tri-sected between 271, boneyard, and 265.

The issue is that the road is not where the easement is supposed to be. The Board discussed contacting an attorney for a legal opinion as the road has been there since the beginning of the ranch so it has been in the same place through several owners. It was brought up that John Peck may want to contact his title insurance company, as they are the entity who guarantees his property lines. The Association needs to at least understand what the legal ramifications are for this situation.

Mr. Chambers situation is different than John Peck's. In Chamber's situation, he would get less land. No, he actually got the land he bought. The fences went in and Century Link figured that fence must be the road, so they put their boxes next to the fence.

Consult with an attorney to find out what the overall rights/responsibilities that the Dilley may/may not be responsible for in regards to said boundary issues and easements and everything else. We know there are quite a few of them that are not right.

It was recommended to consult with an attorney that pertains to these issues and not a general attorney. Wade Gately advertises free consultation and he is known to be knowledgeable about Custer County and issues with boundary assessments. It was recommended that Tina Jones and Claire McCutcheon draft a document and set up a consultation meeting. After we go through the meeting minutes, Tina or Claire can put together a short document that we could call the attorney, set up a meeting with him, send him our document and ask if this is something he can handle for us.

Motion:

Claire McCutcheon made a motion to accept the Road Committee Report.

2nd by Lavonne Bullard

Passed Unanimously

Grazing Committee Report:

There are three (3) segments to this report.

About two weeks ago, Alex sat down with J.D. Henrich's, Custer County Assessor. He is a friend of the Dilley. J.D. Henrich's recommended get a management plan and rest the Dilley for 2-3 years. He said to contact the Custer County Conservation District. Alex just got the contact information for the Conservation District. Alex and Claire have left voicemail messages with their office. The secretary is here in Silver Cliff, that is who we have left messages for. We need to reach whomever it is who ultimately reports to Jim Sperry who is now based in Pueblo. We are working on this. Jim Sperry did the last Land Management Study back in 2013.

Option 1:

Land Management Study Plan to rest the Dilley for 2-3 years.

J.D. Henrich's can waive the 5-year requirement in the law and protect the property owners ag tax status for those that have it. That is a verbal between J.D. and him; nothing in writing.

Option 1.5:

DRPOA Board can sit down and discuss the lease with John Rusher. Rusher via attorney good faith effort. In the letter from John Rusher's attorney:

Exhibit 1 Operational Element of the lease; that is part of the lease. Claire McCutcheon states Exhibit 1 is not part of the lease. Per Alex Wilcox; Exhibit 1 is part of the lease. No obligation in Exhibit 1 or anywhere in the lease agreement that in the second year that we the association have to required legally to sit down and renegotiate the number of cattle and the fee. There is nothing in there. It is at our discretion only regardless what his attorney says.

The Grazing Committee Position is the board wants to sit down and negotiate fee and the fact that we reduced the cows, if we have cows out here to thirty (30) instead of fifty-six (56) head of cattle. John Rusher has to sign the new agreement. Per his attorney, he will not sign it. As far as we are concerned, if he doesn't sign the new agreement that is a deal breaker. That is our recommendation to the board from the Grazing Committee. This is a report no motion is necessary.

Option 2:

We received three (3) proposals from other cattle ranchers. They have all agreed to bring in water, sign new agreement, and manage cattle.

Grazing from June 1 – October 31.

Proposal 1:

Offered a total \$24 dollars a day for the season: which equals \$3,336.00. He is our number one at this time.

Proposal 2:

Offered a total of \$1,600.00

Proposal 3:
Offered a total of \$3000.00

The Board discussed the current lease with John Rusher, the discrepancies in the lease and the correspondence between his attorney and the DRPOA.

Discussion:

The original ad placed in the Wet Mountain Tribune stated 30-40 head of cattle. The number of cattle dropped to 30 based upon a conversation between Alex and J.D. All three cattle ranchers are aware that the lease is for thirty (30) head of cattle. The Board discussed having a meeting with John Rusher to discuss the current contract and the changes in the 2023 lease before we can proceed with any other rancher for the 2023 lease. In the response letter from Mr. Rusher's attorney, he states that "With respect to the current lease what is required at this point is that the parties meet to discuss and work in good faith to mutual agreement..." While the Grazing Committee is working with the NRCS and J.D. Henrich on the land management plan, members of the board will meet with John Rusher in the best interest of Dilley Ranch. We still have the option to rest the land for this coming year, but that decision will be made based upon the recommendation of the NRCS.

**Motion made by Lavonne Bullard to have Claire McCutcheon, Jaron Tyner, and Dave Latham to sit down with John Rusher and discuss. Meeting to take place within the next week.
2nd by Claire McCutcheon.**

Comments by Property Owner(s):

As a landowner my request is to manage the cows. She doesn't like that fact that they are on her property the majority of the time. Could we use some of the money to manage the cows because I did not like the fact that they were emaciated. I would appreciate it.

**Motion made by Claire McCutcheon to accept the Grazing report.
2nd by Lavonne Bullard**

Gate Committee Report:

The remaining two gates in the Dilley will hopefully be installed and operational the end of May.

Turned the damaged gate on Elk Trail into our insurance company to get it repaired.

Will ask the DRPOA Board at the Annual Meeting to make a decision to change the guest gate code or to keep it the same.

Discussion:

None

Motion:

**Motion made by Claire McCutcheon to accept the Gate Committee Report.
2nd by Lavonne Bullard
Passed Unanimously**

Covenant Committee Report:

The proposed changes to the Covenant's were read to the board. The Covenant Committee asked the board for approval to email the proposed Covenant's to the property owners.

Discussion:

There was much discussion regarding the proposed changes to the Covenant's from the attendees. We will be emailing the proposed Covenant's out to all property owners. Reply back with your comments and the Covenant Committee will review all comments and then send the covenant's back out for approval.

How hard would it be to make the Dilley Ranch a Wildlife exemption. What does this mean? Check into.

Motion made by Lavonne Bullard to accept the Covenant Committee Report and to send the proposed changes to the Covenant's to all property owners for their approval/feedback.

2nd by Dave Latham

Passed Unanimously

Event Committee Report:

The event committee is very please to see so many people here we are very sorry for all the confusion with the meeting time/days. We are very thankful that you were able to come today. We are hoping to see a lot more people come. Please invite your neighbors. The next meeting will be the Annual meeting.

Discussion:

None

OLD BUSINESS

None

NEW BUSINESS

None

CORRESPONDENCE AND MEMBERSHIP CONCERNS

None

NEXT BOARD MEETING DATE AND TIME

Annual Board Meeting to be held at the Rancher's Roost (Bowling Alley) on Saturday, June 24, 2023 @ 10:00 a.m.

MEETING ADJOURNED

Motion: Claire McCutcheon made a motion to adjourn the meeting at 11:55 a.m.

2nd by Lavonne Bullard

Passed unanimously