

Burland Homeowners Association, Inc. Meeting

June 13, 2015

Board Members

Carrie Hurich
Jim Aitkenhead
Melissa Hurich
Jim Glenn
Mary Ellen Sawyer
Pat White
Sue Glenn
Roger Sawyer
Debbie Kappel

Non- Members

Mike Brazell
Havens Guenther
Amy Ford
Phyllis Levinson
Jennifer McCully

Members

Bill and Janeen Egget
Paul Bibeau
Ken Cole
Barbara and Dennis Robinson
Sonja and Earl Harris
Cathy Thiesen

Guests

Sheriff Fred Wegener
Corporal Leffler
Mike Brazell (County Commissioner)

The meeting was called to order at 9:00 a.m. by President Carrie Hurich who determined there was a quorum.

Minutes of the May 9, 2015 meeting were approved as read.

President's Report

Carrie welcomed everyone, and began with a reminder that our Annual Meeting and picnic is July 11th to be held at Weakland Fawks Park. The meeting will be at 10:00 with the picnic to follow with a barbecue furnished by the HOA, along with music and games. A postcard will be in the mail within the next few weeks as a reminder with all of the information.

Membership Dues - Carrie reminded everyone that if they hadn't already paid, that 2015 membership (\$20) dues are due.

Trail Work – There is ongoing need for volunteers for trail work, and Carrie asked that if anyone was interested, to please let us know. We would appreciate it!

Guns – We've had many calls and complaints about people shooting in Burland and the fact is that it is legal to shoot in Burland; however, there are rules. Sheriff Wegener explained the laws about shooting with the proper back-stop, and expanded on the rules and regulations. He also mentioned that it is legal for ranchers to shoot dogs if they are chasing livestock, so it is important to keep your dogs leashed!

Fireworks – This is a problem not only around July 4th, but all year. Sheriff Wegener also addressed this problem.

Trash – This is bear-country and they are active. There was discussion about not putting your trash out before trash day, and securing trash cans after your trash has been picked up.

Deer and Fawns – Discussion continued regarding not feeding deer and how corn for one thing, is a “hot” food which they are unable to digest properly and will actually kill the deer. Also, if you see a fawn which appears to have been left behind, do not touch! Mama deer will leave them (they have no scent when they are born) and go off somewhere else as a distraction, sometimes for a long period of time, but she will return eventually, so do not bother the fawn.

Marijuana – Carrie stated for the record that the HOA is not and will not become involved with the marijuana issue, for or against, but will only to provide information to our residents as it becomes available.

Mike Brazell stated Park County voted 58% in favor of the marijuana issue on the State-wide ballot, stating that in his opinion, there is no tax advantage for Park County e.g., to fix roads, etc. Mike said that the State receives 24% tax, and Park County 1.5% of the 24%. There are currently two in this area, Happy Camper (Rosalie) and Sunrise Solutions (downtown Bailey), and there are two businesses pending approval (the TJ Woods building and the old Reggie’s building). Mike talked at great length concerning the entire marijuana industry and there was a long discussion covering a myriad of details and the many issues that Park County currently faces. Considering all of this, Sheriff Wegener talked about the difficulty with staff availability for code enforcement.


Park - Carrie stated that the Park closes at sundown and we would appreciate the help of everyone. Please report to the Sheriff’s Office anyone who is at the Park after sundown or any suspicious activity at any time.

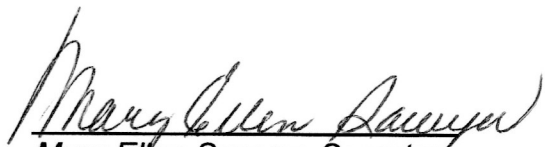
Platte Canyon Fire Department – Carrie said we had received information from the Platte Canyon Fire Department asking us to pass information on to the community about their Facebook page as they are using that page to keep our residents better informed of the most up to date information about the fire district i.e., current fire danger, CPR classes, slash collection dates, and any large scale incident in the district. They also have a web site, www.plattecanyonfire.com.

Shred It – Crow Hill Insurance will have a community shred-a-thon on Saturday, July 11th from 9:00 a.m. until noon at their office, 460 CR 43. All paper and cardboard will be recycled; free to the community; only asking participants to consider making a canned food or monetary donation to Life Bridge Food Pantry, local food bank.

Treasurer’s Report - Approved as read.

The meeting was adjourned at 10:00 a.m.


Carrie Hurich, President


Mary Ellen Sawyer, Secretary

BURLAND HOMEOWNERS ASSOCIATION, INC. MONTHLY MEETING AGENDA

June 13, 2015 9:00am

MONTHLY MEMBER MEETING (Open to All Burland Residents)

- I. Call To Order*
 - II. Review and Approval of Prior Meeting Minutes*
 - III. Welcome Guests – no scheduled guests*
 - IV. Presidents Report*
 - a. Annual Meeting & Picnic next month*
 - i. Meeting will be at 10am, Picnic immediately after, please bring a dish to share*
 - b. Trail Work – Any updates?*
 - i. Jim, you were going to figure out locations for signs and mark with a flag. Has this been done?*
 - ii. 2 more bids on trail work?*
 - c. Guns*
 - d. Fireworks*
 - e. Living with wildlife & babies*
 - f. Marijuana*
 - g. Park*
 - i. Security & hours*
 - ii. Lights at the park*
 - V. Treasurer's Report*
 - VI. Any new business?*
 - VII. Close of Burland Residents Meeting*
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BURLAND HOMEOWNERS ASSOCIATION, INC. MONTHLY MEETING AGENDA

June 13, 2015 9:00am

MONTHLY MEMBER MEETING (Open to All Burland Residents)

- I. Call To Order
 - II. Review and Approval of Prior Meeting Minutes
 - III. Welcome Guests – no scheduled guests
 - IV. Presidents Report
 - a. Annual Meeting & Picnic next month
 - i. Meeting will be at 10am, Picnic immediately after, please bring a dish to share
 - ii. Rog and ME will take care of table service and various food items, including ordering BBQ. Jim ordered postcards which should arrive about mid-June and Rog will pick up and deliver to Pine Automailers.
 - iii. ME will be sending letter to all members notifying them of Annual Meeting as required by the By-laws.
 - b. Trail Work – Any updates?
 - i. Jim, you were going to figure out locations for signs and mark with a flag. Has this been done?
 - ii. 2 more bids on trail work?
 - c. Guns
 - d. Fireworks
 - e. Living with wildlife & babies
 - f. Marijuana
 - g. Park
 - i. Security & hours
 - ii. Lights at the park
 - h. Platte Canyon FD has a Facebook page <https://www.facebook.com/pages/Platte-Canyon-Fire-Protection-District/217608044988988?fref=ts> Please pass this info on to the Burland HOA and anyone else how would benefit. The Platte Canyon Fire Protection District has a Facebook page, we are using Facebook in effort to keep our residents better informed of the most up to date info in the Fire District. Current Fire Danger, CPR classes, Upcoming events i.e. This year's slash collection dates. We would also use this media if we had a large scale incident in the district to update citizens with the latest information. Our Facebook page is Platte Canyon Fire Protection District. Check it out, let me know what you think and pass it on. The district has also upgraded our web site at www.plattecanyonfire.com.
 - i. Crow Hill Insurance is preparing for our 4th annual community Shred-A-Thon on Saturday, July 11th from 9 AM until noon at our office building located at 460 County Road 43, Bailey; I have also attached our informational flyer which will explain our event in more detail. All the paper and cardboard will be recycled. The event is free to the community; we ask that participants consider making a canned food or monetary donation to Life Bridge Food Pantry, one of our local food banks.
 - V. Treasurer's Report
 - VI. Any new business?
 - VII. Close of Burland Residents Meeting
-

Board of Directors Executive Session (Open to Board of Directors)

- I. Review and Approval of Prior Executive Meeting Minutes
- II. Treasures Report
 - a. Eric Lybarger: Also, I would like to meet with the BOD at some point. I would like to do this for two reasons. First, I want to provide you with an update on the account and its investments. Secondly, my firm now has a highly accurate risk analytic software program that we can use to help make further improvements to the investment portfolio, if needed.
 - b. Request from another company who wants to access the cell tower
- III. Covenant Violations Report and Update
 - a. Little Spring violation
 - b. we received a letter today from owner of 718 Quakie Way stating property was vacated and has been cleaned up. We went by there today and confirmed. That one can be closed.
- IV. Presidents Report
 - a. Attorney
 - i. What I have provided does potentially still invite covenant enforcement inquiries, and I am not sure the “support and facilitate compliance” to covenants and LURs is a role the Association wants to continue to assume. If not, then consideration should be given to disclosing that the Association has no standing to enforce covenants, and the remedies available to individuals concerned about violations. I would want to talk to Bill and do some research to confirm my preliminary conclusion (based on a cursory review of incomplete documentation and our discussion) that the Association is without any enforcement authority. Bill did tell me that he had advised enforcement through County process, but for reasons other than the lack of Association legal standing. His issue as I understood him was that the Covenants had been abandoned through non-enforcement.
 - ii. I have also looked at the Association filings with the Secretary of State, and although the “Summary” indicates that the Association is in good standing, I do note that the SOS dissolved the Association in June, 1994. I was not able to find anything in the many filings after that date that the Association was somehow reinstated and now existing and in good standing. I am therefore uncertain what in fact the status of the Association is (an unincorporated association, perhaps). That, of course, has important implications regarding liability exposure of the Association and Board members, insurance coverages, etc.
 - iii. Discussion with Bill
 - iv. Review of the violation letters
 - b. Another wood/slash company
 - i. We are a complete tree service company. In addition to removing slash, we can also chip it, when necessary. We also trim trees, take down and remove trees, and we have some of the best climbers in the area available to take down even the most difficult trees. We offer complete mitigation services, we also sell firewood, and we are licensed and insured.
- V. Jim & Jose PO Box 787 Pine, CO 80470 303.903.4330 www.jsgotwood.com
- VI. Picnic Planning
 - a. Roger & Mary Ellen will pick up table service
 - b. Band
 - c. Jim bringing games

Heywood Development Services, LLC
 P.O. Box 607
 Pine, CO 80470
 303-435-8617
 866-207-9104
 hds@skybeam.com



Estimate

5700

Bill To:
Jim Aitkenhead 181 Turkey Lane Bailey, CO 80421

Job Site:
Burland HOA Playground Bailey, CO 80421

Date	Estimate No.
06/07/15	78

Item	Description	Quantity	Cost	Total
Bid	Establish a Class 6 road base surface approximately 9' wide from the parking lot up to the 1st trail sign & provide a turn around for the septic pumping company truck to service the portable toilet. Establish a Class 6 surface approximately 75" wide from the 1st trail sign to the 2nd trail sign. Divert runoff associated with the hiking trail into an aspen grove to prevent trail erosion. Install rip-rap in the diversion to catch & slow water.	1	4,700.00	4,700.00
This is a firm bid; bid valid for 30 days.			Total	\$4,700.00



Mountain Goat Excavating LLC

34203 Ponca Road
Pine, CO 80470

Estimate

Date	Estimate #
6/10/2015	MGE 2010-52

Name / Address
burland assc park burland dr bailey

*Brian Witt
31332-6701*

Project

Description	Qty	Cost	Total
Site Work build road to outhouse. build path to trail head and path to pavilion. also improve drainage at trail head		2,000.00	2,000.00
10 loads of road base		2,250.00	2,250.00
		Total	\$4,250.00

*+ 800
trenchers*

Burland Homeowners Association, Inc. Meeting
June 13, 2015

EXECUTIVE SESSION

Board Members

Carrie Hurich, President
Jim Aitkenhead, Vice President
Debbie Kappel
Butch Kappel
Pat White
Melissa Hurich

Mary Ellen Sawyer, Secretary
Roger Sawyer, Treasurer

The meeting was called to order at 10:15 a.m.

Minutes of the May 9, 2015 were approved as read.

The Treasurer's report was approved as read.

President's Report

Carrie stated we had received information from Eric Lybarger, Evergreen Global Investments, that he would like to meet with the Board to update us on our account and our investments, and further, to tell us about his firm's highly accurate risk analytic software program that we can use to help make further improvements to our portfolio, if needed. Carrie will arrange for Eric to meet with us in August as everyone agreed.

We have also received a request from Neteo, a wireless internet company, requesting access to our cell tower. Roger will investigate this with acquiring more information concerning specifically what their needs are, and then, proceed with contacting a structural engineer ensuring that any such change would not compromise the tower in any way. Roger will report back.

Covenant Violations

52 Little Spring – Carrie reviewed this situation in that the owner of this property is a local realtor who has horses in an area where our covenants restrict livestock; however, the property is 4+ acres and would be in compliance with the Land Use Regulations. She noted that the listing agent noted at the time of sale that there were no covenants. This may become an issue for our attorney at some point.

Attorney – Carrie explained that our attorney suggested a change on our web site using some other wording and deleting the statement referring to our enforcing covenants. We emailed a proposed statement for our web site, and he responded with a more expanded version, and the following:

“What I have provided does potentially still invite covenant enforcement inquiries, and I am not sure the “support and facilitate compliance to covenants and LURs is a role the Association wants to continue to assume. If not, then consideration should be given to disclosing that the Association has no standing to enforce covenants, and the remedies available to individuals concerned about violations. I would want to talk to Bill and do some research to confirm my preliminary conclusion (based on a cursory review of

incomplete documentation and our discussion) that the Association is without any enforcement authority. Bill did tell me that he had advised enforcement through County process, but for reasons other than the lack of Association legal standing. His issue as I understood him was that the Covenants had been abandoned through non-enforcement."

Mary Ellen explained that it has been our policy (since 2004 when our HOA President was also an Attorney) to send our covenant violation letters to alleged violators, and if no compliance, to send the complaint to the County to be "enforced" via their LUR's.

On another subject, the following from the attorney:

"I have also looked at the Association filings with the Secretary of State, and although the "Summary" indicates that the Association is in good standing, I do note that the SOS dissolved the Association in June, 1994. I was not able to find anything in the many filings after that date that the Association was somehow reinstated and now existing and in good standing. I am therefore uncertain what in fact the status of the Association is (an unincorporated association, perhaps). That, of course, has important implications regarding liability exposure of the Association and Board members, insurance coverages, etc."

Mary Ellen said that in response to the latter, she had sent the attorney an email which included copies of a document extracted from the Secretary of State's web site, listed as "Reinstatement" dated 2000, and also a current Certificate of Good Standing to which we have had no response. Further, prior to this, we forwarded to him, copies (samples) of our covenant violation letters, and explained these had been composed with the assistance and approval of our previous attorney. To date, we have had no response, so until we hear otherwise, we are continuing with our current letters.

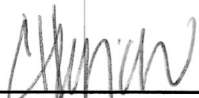
There was discussion and it was agreed that we will continue communication with him in an effort to resolve all of the above.

Trail Upgrade/Lights Project – Jim A. had three bids and information on the scope of work for the park from HDS/Heywood Development Services, \$5,700; Mountain Goat Excavating LLC, \$5,050; and, Phydeaux Digs, \$4,800; and, all including trenching. Jim said that Phydeaux Digs and HDS/Heywood both had a waiting period to begin work, and Mountain Goat could start in the next week. Carrie motioned; Melissa moved that we accept the Mountain Goat bid; Jim seconded, and it was unanimously carried. Jim A. will make arrangements for Mountain Goat to begin work as soon as possible.'

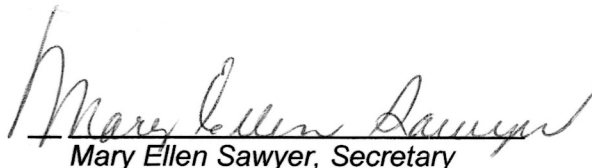
Wood/Slash – Carrie was contacted by another wood/slash company, J's Got Wood who is licensed and insured, and interested in our program of the \$75.00 discount to members. There was discussion about our current operation with Splintered Forest and JWARD Industries, and it was agreed that we would add J's Got Wood to our program.

Annual Meeting/Picnic – Roger and Mary Ellen will arrange for the BBQ order and taking care of the pop/water, table service, etc. Post cards should be received about June 17th; Roger will pick up and take to Pine Automailers; band should be there and Jim has games.

The meeting was adjourned at 11:15 a.m.



Carrie Hurich, President



Mary Ellen Sawyer, Secretary

BURLAND HOMEOWNERS ASSOCIATION, INC. MONTHLY MEETING AGENDA

June 13, 2015 9:00 – EXECUTIVE SESSION

Board of Directors Executive Session (Open to Board of Directors)

- I. Review and Approval of Prior Executive Meeting Minutes
- II. Treasures Report
 - a. Eric Lybarger.
 - b. Request from another company who wants to access the cell tower
- III. Covenant Violations Report and Update *react to them*
 - a. Little Spring violation ↗
 - b. 718 Quakie Way
- IV. Presidents Report
 - a. Attorney
 - b. Another wood/slash company
- V. Picnic Planning
 - a. Roger & Mary Ellen will pick up table service
 - b. Band
 - c. Jim bringing games
 - d. What else?
 - e.
- VI. New BOD Topics/Issues

scope { *Jim trench 9' wide no to party to 2 signs - habitat with road house top - rocks - fence mt to appen*

3 trees -

Olive park where

*4250.
800
5050*

Mtn Dept

p-p have 5250 to put