

Approved

Agate Creek Preserve Homeowners Association

Minutes of the Executive Board

January 21, 2014

A meeting of the Board of Directors of Agate Creek Preserve HOA was held on Tuesday, January 21, 2014, 3:30 pm at the offices of Commercial Property Group. Present were board members Rick Dowden, president, Ted Swain, Russ Atha, and officers, Joe Robbins, treasurer, and Nancy Jarchow, secretary. Libby Robbins and Sue Swain were also present at the meeting and board member Bill Keith via conference call.

Minutes . Motion was made and approved to send the minutes of the annual meeting to all homeowners.

Cheri Trousil's Letter of Resignation from the Board. Yesterday, Cheri Trousil provided Rick with her letter of resignation from the board. Although no reason was given in the letter of resignation, it was the feeling of the members present that the resignation was due to her objection to the minutes of the board meeting of November 13, 2013, relating to the contention of a number of members that as part of the consideration for purchasing their lots, they were assured by the developers, Ed and Cheri Trousil of Humble Ventures, LLC, that the trails and other parts of the Humble Ranch would be available for use by our members. Some of our members feel that that commitment is not being honored. Rick and Ted expressed the opinion that the minutes reflected an accurate accounting of the board meeting. All agreed.

Finance . Joe reported there are a few owners who are past due. Nancy noted our Water Policy provides a process with fines and suggested Medora contact the owners to make sure they're aware they are not current on their payments. She will send a copy of the Water Policy to us. Joe noted that overall the budget is in good shape and we should be ahead this year based on what was estimated for this year's costs and accounts receivables. We are over budget for snow removal due to more snow this year.

CIOAA Resolution . Libby called our attention to a new CIOAA resolution we are required to adopt regarding policy and procedures regarding unpaid assessments. Nancy will send a copy of the resolution to the board.

Water . Nancy reported that she had reviewed the status of the water system and meter readings with water administrator, Bruce Thompson. 4th quarter metering are as follows:

138,040 gallons pumped at the pump house

135,400 gallons. The difference was less than 2%.

Bruce confirmed with Jeannie, plumber, she will check the pump house and get back to him on replacement for the 2" pipes that occasionally leak. There are at least 3 problem areas. Also, Bruce is waiting on a bid for the finished water tank level testing and cost for . He was told by Browns Hill engineers that they were mistaken on the lower estimate of \$3,000, closer to \$13,000. Overall, the water system is operating well.

Roads. Sue reported a snowplow hit a water curb stop and knocked the cover off. This is currently covered with snow. Bruce Thompson was contacted and will check it after the snow melts.

Trails. Rick reported that he had discussed the statutes regarding the trails with counsel and confirmed that there is probably no legal redress to force the Trousils to honor their commitment to build the perimeter trail and other commitments regarding use of Humble Ranch trails. Sue noted the general sentiment of the homeowners would be not to pursue legal action but she would like the HOA to build the trail, for which there is an easement around the perimeter of the subdivision.

Sue reported that she, Russ and Rick met with Jim Haskins, regional director of Colorado Division of Parks and Wildlife, to discuss removing the winter closure on the Agate Creek Trail which runs from Dec. 1 to April 1. Jim said Ed Trousil had called him regarding the original survey of the trail easement that Ed felt was incorrect. Jim noted that when he received the call, he was concerned that Ed might be upset with the Division but when they met to discuss the issue, Ed told him the Trousils wanted to resurvey the easement offered to pay for all costs for the survey, including any administrative and legal fees incurred by the Division. In exchange, the Trousils only wanted the Division to remove language in the easement that allows bicycles on the trail and to keep the winter closure in place. He said Ed also offered to make a donation to CDPW for \$21,000 for a CDPW river project.

At that point, Sue reminded Jim that when she met with him a couple of years ago, along with representatives from the City of Steamboat Springs and Yampa Valley Land Trust, he made it clear to everyone that he felt the winter closure was unnecessary because historically, the herd migrates west before the snow accumulates and move out of Agate Creek to a more milder climate where there is less snow and more vegetation, allowing them to survive the winters. Jim disagreed and stated that the BLM (Bureau of Land Management) wants to keep the winter closure and that he feels that elk are running out of places to winter and he will not consider removing the winter closure.

Several members commented they felt Haskins acted inappropriately by essentially accepting money from the Trousils to retain a different surveyor and to modify the agreement. The original surveyor, Skidge Moon, has been hired by the City to review his survey and compare it with the new survey and legal description. Nancy will check w/ Skidge to see if he has completed his review. She also noted the local bicycle group that was instrumental in establishing the Emerald Mountain Trail System, of which the Agate Creek Trail is a part, has indicated they are amenable to restricting the use of bicycles to one-way, uphill, only. Sue said she would follow up and contact BLM directly, to understand their position regarding the winter closure.

Meeting Dates. It was decided to tentatively line-up the dates for Board Meetings: Tuesday, March 18, Tuesday, May 13, Tuesday, July 22, Tuesday, Sept. 23, Tuesday, Oct. 28. Annual Meeting, Tues, Nov. 18th.

There being no other business, motion was made and approved to adjourn.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'NJ' with a stylized flourish.

Nancy Jarchow, Secretary