

## DMCA Board Meeting Minutes

11/12/18

Meeting called to order at 6:10 PM.

Attending: Vince, Gordon, John, Val, Gary, Tom

Attending as Guests: Glenda Young, Holly + Tom Bennett, Andrea Sokolowski, Grant Kleeves, Judi Snelling, Rick Taylor, Darryl Hartigan, Carolyn Snowbarger

- 1) Vince opened the meeting by asking the guest attendees to summarize their position regarding providing access to the common area owned by DMCA. Tom Bennett explained that he and a number of other DMCA residents feel that members should be able to access the common area adjacent to the Dennis Weaver Trail. He indicated that those members have plat maps from 1981 detailing roads and easements that should be opened up to the membership. He noted that the map shows a 20' "road" for water and utility easements which should be useable by DMCA members to access the common area. Tom read from a County document that described a motion to vacate the easements, but that motion was never finalized.

Vince stated that we need to look at the Warranty Deeds for the properties through which suggested access to the common area would be permitted. He noted that there was a 1986 ruling by the county finding that the original well for which the original easement was created was abandoned and a new well established.

Tom Bennett said that it appears from the documents that he has that the easements exist and therefore should be available for public use. Vince responded that the next step would then be to prepare for a lawsuit.

Andrea clarified that they are not proposing to access the common area from the "old wagon road". Rather, they want access via the 20' road and utility easement.

John observed that there does not seem to be any consideration of the property owners who will be affected. He noted that he and Glenda have been the "Stewards of the Land" since they moved here, protecting the wildlife from being disturbed. Tom Bennett questioned how much actual traffic would result from opening up access. There ensued a general discussion about who owns the land and who owns the easements.

Glenda noted that the Weavers have put in a lot of Private Property signs on their side of the fence because Colorado law prohibits people from going from one subdivision to another,

John stated that he has recently received an email from Rick Weaver stating that they are abandoning Phase 3 of their development and instead donating the land to the park. This will create even more traffic, and if there were trails into Dallas Meadows, we would have a lot of people coming in.

There was a brief discussion about the Weavers having given us permission to access our water tank through their property.

Darryl stated that the common area we are talking about is a wildlife corridor. He noted that, because people are walking dogs illegally through there, there has been a significant decrease in wildlife activity. He noted that, if someone goes on another person's property, they are trespassing. He stated that the existing easements are limited to specific purposes only. There ensued a general discussion about public easements vs. private easements. Andrea stated that the road easement is owned by the county. Glenda stated that it is not. Rick observed that the wording "Road + Utility Easement" needs to be defined legally and perhaps by the Court.

Vince noted that county road easements are 60' and that the easements in DMCA are 20'. Andrea stated that "we were told" that the 20' easement was for traffic. Judi observed that in Ouray County in general road easements are "big legal issues" and that DMCA does not have the money for a legal battle.

Andrea stated that "we have 25 households in favor" of public access to the common area. Glenda stated that they will have to change the CC+R's. Judi read the definition of "easements" from the CC+R's. There ensued a general discussion about whether or not the CC+R's need to be changed to enable access, and whether the affected property deeds also need to be changed from Utility Easement to Recreational Easement.

There was a general discussion about whether legal opinions will be needed on both sides of the issue and, even if legal opinions were obtained, whether or not individual property owners would still bring lawsuits.

Judi read the Bertrand Affidavit which states that the easements were not intended for public use, and that when the well was abandoned, the related easement was then abandoned.

Gordon asked whether we should see the Deed for DMCA. Vince observed that we need to see the individual property deeds. Judi asked if we could pull a title policy for the Youngs' property. She noted that a title policy will provide a history with links to the easements. Gordon asked how our insurance will be affected by public access to the common area.

The discussion concluded with a general conversation about the effect on wildlife, possible increase in trash and potential damage to sagebrush. Gordon agreed to look into the cost of obtaining title searches on the affected properties.

- 2) Vince asked if there were questions or comments about the minutes from the October board meeting. Val suggested adding the word “draft” to the mention of Caroline McAndrews’ landscaping plan. John moved to approve the October minutes subject to that requested change. Gordon seconded. The October minutes were unanimously approved.
- 3) Vince noted that the 2018 Annual Meeting is set for December 3 at 6 PM at the Church of the San Juans. John summarized the timing of receiving Board Member Reports and mailing out packets.
- 4) Vince mentioned that there are 4 board members who are willing to serve for another year leaving potentially 2 open positions. After the board agreed to change the board meeting dates to the third Monday of each month, Gary agreed to serve again, leaving one available board seat.
- 5) John gave the Financial Report. He reviewed a few notable expenses including the cost of water testing and the tank inspection. Tom moved to approve the Financial Report. Gordon seconded. The Financial Report was unanimously approved.
- 6) Gordon summarized the results of the tank inspection. There is some corrosion, particularly at the weld spots. It may be possible to repair them with epoxy. It could take up to 5 days to drain the tank, clean it, repair it with epoxy, and then let the epoxy dry. There is one weld spot of particular concern at or just below ground level where the water comes into the tank.  
  
Darryl asked if our tank is cathodically protected. Gordon noted that it is not. There was a discussion about the needed repairs. Gordon agreed to call Able to get a bid.
- 7) Gordon provided the Insurance Report. We are waiting an explanation from our insurance agent as to why DMCA is classified a “condo association”. He also noted that our insurance will be affected by any change in use of the common area discussed earlier in the meeting.
- 8) Rick informed us that he had been advised by San Miguel Power that he is permitted to paint over the green transformer in front of his house but that he is not permitted to cover the signage.
- 9) John led a discussion about the 2019 budget. After briefly discussing a few categories, a preliminary 2019 budget was agreed on to be presented for approval at the Annual Meeting in December.
- 10) Gordon agreed to get an update from Jon Pfeiffer about the status of, and his progress with, the foreclosure of Garth Valentine’s lot.

11) Gary asked whether the board has further considered raising water rates. There was a general discussion about the cost of the pending repairs to the water tank and also about the health of the aquifer that supplies our water.

12) Gordon expressed appreciation on behalf of the board as well as all of DMCA for John Young's service and Glenda Young's contribution to the Board over the past 5 years that John has served. John agreed to continue as the Head of the Water Committee.

Tom moved that we adjourn. John seconded. The meeting was adjourned at 8:55 PM.