

**Aspen Highlands Homeowners Association  
Special Board Meeting  
October 10, 2015**

**Minutes:**

A Special Board Meeting was called to order at 10:00 am, on October 10, 2015, at the home of Mike and Debbie Busch, Laramie, Wyoming.

**Board Members Present:**

Board members present were: Sue Ward, Debbie Busch, Debra Olsen, Bill Morse, John Bragg, Duane Johnson and Ernie Duran.

**Other Members/Persons Present:**

Kevin Ward, Mike Busch, Katrina Mitchell, Doug Mitchell, Steve Pink, Neil Olsen, Dale McCartney, Sandy Farris, Daryl Nobis, Bill Davis, Charlie and Jan Huff, Eric Lundell and son.

**Welcome:**

President Sue Ward thanked Debbie and Mike for hosting the meeting, and welcomed Members of the Board and other homeowners present.

**Approval of Minutes:**

Sue asked the Board members that were present at the August 1, 2015, Summer AHHA meeting, to review the minutes for any errors before she adds the document to the web. The spelling of Debra Olsen's name will be corrected as well as the term status for re-elected Treasurer, Bill Morse will be changed to 2015-2018. Motion was made by Debbie Busch to approve the minutes as corrected, seconded by Bill Morse.

Bill Morse Motioned to approve the minutes of the Subsequent August Board Meeting, seconded by Debbie Busch. Motion carries.

**Lease Committee:**

At the present time, Ernie Duran is a member of the Lease Committee. Due to the election of Ernie to the Board of Directors, Sue asked that Ernie become a liaison for the committee, and requested that a third person be added to the committee for voting purposes. There was a question about the number of people on the Lease Committee. Bill Morse explained that the Board tries to keep an odd number of persons on each committee for voting purposes to avoid a possible tie in a vote. Daryl Nobis volunteered to be on the committee. Ernie Duran will remain on the committee as a liaison.

Sue explained the function of the Lease Committee. The committee coordinates with the Double 8 Land and Cattle ranch (the ranch) to gain access to the State section for recreational and hunting purposes. The committee collects hunting access fees, issues access permits, and writes the Rules of Conduct for qualified hunters.

Steve Pink, Lease Committee Chairman, reported that the ranch has requested that AHHA remit the yearly \$2,500 .00 access fee payment by May 1st. The Board agreed to continue to pay the \$2,500.00 to the ranch and the hunters will continue to pay for access to hunt. The Association cannot collect more than \$2,500.00 in hunting fees.

Steve reported that one hunter has submitted his "hunting access fee," with plans to hunt on the State section and the hunter is not in good standing with regards to owing AHHA dues. The Board discussed the issue and it was decided that Steve would write a letter to the hunter and let him know that he is ineligible to hunt on the State section in the 2015 season. Steve will also inform the hunter that the access fee monies will be applied to his delinquent AHHA dues and he will be refunded the remaining balance of \$50.00.

**Delinquency:**

Sue reported that a lien was placed on the Crimeni's property on October 18, 2012, for past AHHA dues owed, and a delinquency warning was issued on November 2, 2013. The matter will be turned over to collections ASAP.

**Correspondence:**

Sue received two e-mails from member Charl Sanchez, and asked Secretary, Debra Olsen, to read the correspondence. The first e-mail was regarding the proposed covenants and the second e-mail was an update on

the fence project located on State Section 4. The State School Section is considered a non-motorized area, and Elk Mountain Ranch has cut a road across the section to install a fence. Wyoming State Lands has informed the Elk Mountain Ranch that they cannot drive on the road and must reclaim it.

**Covenants:**

Questions have arisen about what colors are considered Earth tone. The subject was researched and Sue noted that the color palette information can be found on the following website:

<http://www.creativecolorschemes.com/resources/free-color-schemes/earth-tone-color-scheme.shtml>.

Sue opened the meeting for discussion of the covenants. She explained the reason the current covenants are being revised, noting that the Covenants Committee has worked on the revision for some time now, readying the Draft for approval. Recently several questions have arisen regarding the proposed changes. Chairman, Charlie Huff clarified that the current covenants were revised some years ago, but never recorded at the Courthouse.

*(However, prior to the completion of these minutes, it was determined that the current covenants were in fact recorded at Carbon County Courthouse.)* Charlie said, the current covenants are being used as conditions that attach to each lot in the subdivision. Sue continued by explaining that after the final "Draft" is complete, the revised covenants will be mailed to each Lot owner along with a ballot for voting. The Board needs 75% of "Yes" votes to get the revised covenants to pass. A non-response means a "No" vote.

One person in attendance asked where the covenants could be found. Sue gave the AHHA website ([www.aspenhighlands.org](http://www.aspenhighlands.org)) to all persons present at the meeting and explained that the website contains a lot of helpful information regarding AHHA By-laws, Covenants, both local and county information, property for sale, and weather and fire information. Sue mentioned that she is in the process of hiring a web Master to help her upload information to the AHHA website, so at the present time some information may not be available until the process is complete.

Board member, John Bragg, suggested that an "Appeals Process" be added to the covenants, whereby a Decision made by the Architectural Committee may be appealed to the Board of Directors for final consideration.

There was considerable discussion regarding construction of permanent dwellings, and out-buildings (sheds) that are being used as "dwellings" prior to submission of a plot plan to the Architectural Control Committee as outlined in the covenants.

The Board and AHHA Members further discussed non-compliance issues, including consequences for non-compliance. Board member, Duane Johnson suggested that the Board assess penalties for non-compliance. The Board agreed that it might be an effective way of dealing with an on-going problem. It was agreed that the Architectural Control Committee (ACC) would determine issues of non-compliance and bring them to the Board. For inspection purposes, a Board member will accompany an ACC member to the property. If it is determined that non-compliance issues exist, a letter of warning will be sent to the Lot owner. If the Lot owner does not respond to the letter of warning and does not seek to bring the property into compliance within the specified time frame, penalties could be assessed. The burden of proof remains on the Lot owner to prove that progress is being made towards compliance. Bill reiterated that the ACC should submit a copy of all approved plot plans and variance requests to the Board for record keeping.

Further discussion regarding non-compliance charges/fees will take place during the February 2016 meeting. During this meeting the Board and association members present will discuss the \$10 per day fee for those not in compliance, starting January 2017. The 2017 date was discussed to give the architectural committee time to draft letters and send them out, explaining the appeals process. Members will have this winter to make plans and the entire year of 2016 (during times of weather permitting) to come into compliance, realizing that coming into compliance will be a process. We are asking for a plan and most definitely to see progress. Those choosing to ignore the process will be assessed \$10 per day as of January 1, 2017. We will also be discussing a process for those who also ignore the accrual of that \$10 per day and at what time and/or amount they will be turned over to collections. All of this is based on a motion being carried once discussion is held.

The subject of parking camp trailers on a Lot was also discussed. Charlie Huff reiterated that camp trailers may only be used for temporary living quarters during construction of an approved permanent dwelling. Ernie Duran suggested that if camp trailers are being used for temporary living quarters, a plot plan should be submitted to the

Board, including a commencement date for construction. If progress isn't made in construction of a permanent dwelling and camp trailers continue to be used for camping purposes only, assessments may apply for non-compliance. It was further suggested that unlicensed camp trailers should not be allowed to be stored on the Lots.

One AHHA member asked how a Lot owner who is in non-compliance with the current covenants could serve on a Committee. Bill Morse reviewed the By-laws for clarification of the matter. Bill made a Motion that Lot owners that are in non-compliance with the AHHA covenants and By-laws cannot serve on the Board of Directors, nor can they be on a Committee, Daryl Nobis seconded the motion.

After discussion during this meeting, the Board decided that changes and additions should be made to the Draft Covenants that Charlie presented at the beginning of this meeting. Debbie Busch motioned to rescind the current "Draft" Restrictive Covenants, seconded by Ernie Duran.

**Other Business:**

One member asked why the Board meetings were not held at Elk Mountain, as specified in the Articles of Incorporation. Another member asked why we have an additional meeting in February. Sue explained that the By-laws specify that a meeting must be held the first Saturday of June. Also, there is a picnic and AHHA meeting for all members in August. Because of an increase in Lot owners and more business to discuss, the Board decided to have an additional meeting in February. The summer meetings are held in Elk Mountain at the subdivision, but the February meeting is normally held in Laramie or Cheyenne because of winter weather conditions and local proximity for Board Members. Bill Morse will compare the Articles of Incorporation and the By-Laws to verify when and where Board Meetings must be held.

**Meetings:**

The next Board meeting will be held as follows:

February 6, 2016 - 1:00 pm - To be held at the Olsen home, located at 2536 Falling Star Loop, Cheyenne, Wyoming.

June 4, 2016 - 10:00 am - To be held at the Johnson/Olsen cabin located at 82 Antelope Run, Aspen Highlands Subdivision.

Motion to adjourn the meeting came from Bill, seconded by Debbie.

The meeting was adjourned at 12:30 pm.