

## Aspen Highlands Homeowners Association

PO Box 178

Elk Mountain, WY 82324

Annual Meeting Minutes

August 4, 2018

### Minutes for Members Yearly meeting:

The Meeting was called to order at 12:57 pm, on August 4, 2018, at Roger's Park.

**Board Members Present:** Board members present were: Todd Canaday, Tim Johnson, Bill Morse, Debra Olsen and Ernie Duran.

**Board Members absent:** Jeanie Loader and Stacie Anfinson

**Welcome:** Todd opened the meeting by welcoming all landowners. He introduced himself and asked attending members of the subdivision to introduce themselves as well.

**Treasurer Report:** Bill Morse gave the treasurer's report. There were total expenditures since last August of \$15,503.00 and an income of \$17,050.00. There are dues still owed in the amount of \$2,700.00 for 2018, and \$4,558.19 for dues owed for previous years. The \$2,500.00 lease payment was made. (The hunters paid \$2,400.00 of the lease payment and AHHA paid the remaining \$100.00). Administrative fees included postage, envelopes, misc. for mailings, and toner cartridges for Bill's printer, which he kindly used to make copies and labels for the Subdivision's benefit. Bill mentioned that he will be leaving his position on the Board and the newly appointed Treasurer will need to have Quicken software for the Treasurer's responsibilities/position. (Later, in the regular Board meeting, the Board agreed to purchase a laptop computer, printer/scanner and Quicken software for the new Treasurer, to be used concurrently with the Treasurer's position for AHHA business).

### **Committee Reports:**

**Road Committee:** An operator was hired to blow out major snowdrifts within the subdivision to help prevent road erosion caused from spring runoff. The main roads were grated recently and water bars were put in place on Deer Run to help with road erosion. Reed commented that the roads are in the best condition they've ever been. He reminded residents that going slow in the subdivision, will help preserve the work that has been done on the roads.

**Architectural Committee:** Reed Brannon reported several approvals in the last year including: 1) Knoepfle's barn which is almost finished, 2) a plan for Vigil's shed, 3) Canaday's foundation which is completed, 4) Sanchez's had a well dug and have a permit for septic, and, 5) an electrical line was installed on Anfinson's property. The two green Conex containers in the subdivision were not approved. Bob Ferris confirmed that his container is being used for temporary storage during construction.

### **Lease Committee:**

Steve Pink reported a good year for hunting last fall. He said, hunter ethics and identification forms will be sent out in August for hunters to sign and return to him. He reiterated that safety and ethics are the main concerns of the Lease committee. "Think before you shoot, abide by all AHHA rules, and the code of ethics--stated and unstated, know WY State Game and Fish laws, know where you're at while hunting. Your reputation as an ethical hunter will guarantee your participation in future hunting seasons ahead. We want the relationship with the ranchers and the State to continue so we can use this hunting as a means of enjoyment."

There was lengthy discussion about the lease rules; the need to clearly state the hunting rules, including penalties for violations of the rules, questionable enforcement of unstated rules, and reporting violations of State laws to the WY Game and Fish. It was mentioned that everyone's moral views might be different when it comes to unwritten rules. One member commented, "If the rules aren't outlined, how can the Lease committee hold people accountable for misconduct?" For clarification, Bill Morse suggested, that the committee needs to put in their rules that if a hunter violates the rules there will be a penalty and they cannot participate in the hunting lease program. Everybody is responsible for his or her own actions. We were reminded that the "Lease Access is a privilege and misconduct could possibly endanger the Lease from getting signed (renewed) again. There was further discussion about the "limited powers of the Board" to enforce hunting/lease violations. Steve said, the Lease committee reports violations to the Board and the Board takes it from there. In the past the

committee has held mandatory “all hunter meetings,” prior to the hunting season so everyone knows the committee’s expectations, because everyone is affected when people don’t follow the rules.

With regards to last hunting season’s incidences, Todd Canaday commented that the Board had limited authority to enforce unstated lease hunting rules. The covenants were written long before the Access Lease was initiated, and long before the subdivision evolved. They are outdated, but it is hard to get lot owners on board to vote for updated covenants. He suggested that the covenants be reviewed again and that the Board possibly solicit legal opinion on the proposed amended covenants this time. One member asked if the Lease committee had a Board liaison. Steve replied that it was formerly Sue Ward, but the committee doesn’t have one at the present time. In order to move on with meeting discussion, Bill Morse concluded that the Lease Committee needs a Board liaison from the AHHA Board. They need to re-write the hunting/lease rules to include penalties for violations, and then present the written rules to the Board for approval.

**Correspondence:** In absence of the Secretary, Treasurer Bill Morse read a letter from David and LuAnn Jones, stating their response to a letter they received from the Architectural Committee. The Jones’s wanted to clarify and state their situation with regards to their shed being an occupied building that’s under the minimum size requirements. When thinking about working on the property, Jones’s called Dan Aneiros, who was on the Architectural Committee at the time, with their plans to move a shed onto the property as they worked to prepare to build a cabin. The intent for the shed was to store tools, food, water, cooking supplies, etc. Dan told Jones’s to draw up a plan with the size of the shed, location, roadway, etc. which they did. They mailed the proposal to Dan. The shed is a well-built shed, manufactured in Montana. It is 12’ X 18’ and is used for storage and occasionally a sleeping quarters for their children who came up to help clear dead brush, etc. They have never resided in the shed nor ever intend to. They store tools, camping gear, a refrigerator, table and chairs, and a cot, all things they hope someday to put in a cabin. Jones’s will remove the cot and the porta potty. (Bill confirmed that the porta potty has been removed from the property). Jones’s want the Board to know that they are aware of the covenants and intend to comply with the rules. “Our shed is not a cabin, it is a storage shed. We do not reside in it. We take our motorhome down to stay in while we work on the property.”

Bill read a second letter from Joe Wittmann. Joe had requested that his road be graveled and he hasn’t received a reply from the AHHA. Bill called Joe and explained to him that they were prioritizing roads. Joe also had a concern about a neighbor using his road for access their property. Bill explained that all lot owners use existing established roads as access to their property.

Tim Johnson read a letter from Guy and Sandy Young, also in reply to a letter they had received from the Architectural Committee regarding their shed being an occupied building that’s under the minimum size requirements. Sandy stated that they ended up moving back to Colorado, due to Guy’s work. As far as the shed, Young’s believe the following differentiates it from a cabin. It is not installed on a permanent foundation and it is on skids so it can be moved. Although it does have electricity, it has no running water or toilet facilities. They use a porta potty in the small outhouse when they’re there. When they are not there, the shed is used for storage for a water tank, outdoor stove, extra porta potty, water jug, etc. The Young’s would ask the Board to reconsider their position on finding that their shed is an occupied building. They are hoping to build a small cabin sometime in the next couple years.

**Pets:** Todd asked that residents be mindful of their pets chasing wildlife in the subdivision.

**Miscellaneous:** Sue Ward mentioned dredging the pond. If AHHA has money left over from the roads, and wants to consider renting equipment to dredge the pond, Duane Stolns is qualified to run the machine. Dredging the pond has a two-fold purpose; 1) maximum water availability to Carbon County Fire Department in case of needed fire control, and, 2) the pond has been stocked with fish and it requires subsequent dredging of silt to deepen the pond so the fish can survive the winter. The cost to dredge the pond last time was around \$1,500.00. Lots of members use and enjoy the pond.

Steve reminded the Board that the Committees are down in numbers and need to be filled. The Architectural Committee only has two persons on the committee. Steve reiterated that committees need at least three persons, there are checks and balances; one person needs to check off what another person does on the committee. (Since the Meeting on August 4, 2018, George Rogers has been added as a Member on the Architectural Committee).

Two people inquired about the green Conex cargo containers that appeared in the subdivision, stating that they were worried they were there to stay and they “aren’t very nice looking.” It was asked, “What can be done about the containers?” Another person replied, “Not much, because they have evolved since the covenants were written and we have nothing in the covenants to prevent them.” It was suggested that out of common courtesy, they should be covered with a roof and painted

a natural color that blends in with the surroundings or with an already existing cabin. One member confirmed that his container was being used for storage and he had no plans to leave it on his property permanently.

There was some discussion about non-compliance with the covenants; the fact that the amended covenants did not pass, that a “no response” was actually considered a “No” vote per WY State law. It cost a lot of money, time and effort to re-write the covenants and they did not pass. Several members expressed concerns that property valuations will decrease if the covenants aren’t adhered to. Some people have invested a considerable amount of money in their property and “we must hold up a standard.” It was suggested that prior to sending out the amended covenants again for vote, that maybe lot owners should be contacted by phone and given an explanation as to why the covenants needed to be amended. Some believe this might help in getting them passed the next time. One member asked if the amended covenants could be emailed to lot owners to save money. Treasurer Bill Morse, said, he has tried to email dues statements in the past and most AHHA members prefer snail mail. There is a small group that has agreed to email correspondence. Tim Johnson commented that as an Association, we must try to keep property values up. One member commented, “We need to respect our neighbor, live by the law . . . not only the law, but the spirit of the law.” Todd suggested that those people that aren’t in compliance with the covenants should not be allowed to hunt or use the Access Lease.

Debra Olsen asked if members should be granted an approval from the Architectural Committee if they are behind on paying their dues. She also asked about whether specifications such as outbuilding size should be added to the amended covenants. Charlie Huff said, the covenants are guidelines and the Architectural Committee comes up with the rules, which can be approved by the Board.

Debbie Busch mentioned that the Board asked the Carbon County Code Enforcement (CCCE) to come out and drive through the subdivision to see if there was anything they saw that would require any action in accordance with the county restrictions. The CCCE reported there weren’t any situations the county would act upon. They saw nothing out of the ordinary compared to the rest of the county. Our subdivision has more defining covenants than other areas, such as Fox Park.

Bill Morse made a motion that the Architectural Committee re-visit the requirements for building construction; add height, size, width and set-backs into the Architectural rules. Also, add a check box on the form to make sure the dues have been paid. The committee can take the rewritten rules to the Board for recommendation and/or approval. Seconded by Tim Johnson.

Todd suggested forming a Covenants Committee to work on reviewing the Amended Covenants again and try to get them passed. The question is how to reach out to see if people want to be on various Committees. Several members discussed that social media, such as Facebook, might reach more people than the AHHA website. Mel Morse volunteered to create and maintain a Facebook Page for the Association. Sue Ward reminded members that the website is costing the Association and maybe in the future AHHA should think about gravitating towards social media as a means of communication. Charlie Huff made a motion to revisit the Covenants again and send them out for vote, with a follow-up phone call or email. Several members volunteered to help on the Covenants Committee including Kevin Ward, Steve Pink , Danny Sanchez, Jerry Fogg and Keith Fogg.

One member said, hunters should not be allowed to hunt if they are not in compliance with the covenants. As the rules stand now, an applicant has to be in “good standing” which means paying their dues, but the applicant may still be in non-compliance in obeying the covenants. Those persons should not be allowed to hunt.

**Board Vacancies/Voting:**

**Nominating Committee:** Debra Olsen who chairs the Nominating Committee read the vacancies on the Board. There were three members whose terms were up, Bill Morse, Debra Olsen and Ernie Durran. The ballots listed six persons to be voted on for the Board vacancies; 1) Ernie Duran, 2) Denise Vigil, 3) Kyle Knoepfle, 4) Steve Pink, 5) Jerry Fogg, and, 6) Keith Fogg. Ballots were handed out, and votes returned to Debra. Debra Olsen, Sue Ward and Misty Canaday tallied the votes including several “Proxy” votes. Results of election for three Board vacancies went to Kyle Knoepfle, Denise Vigil and Ernie Duran.

**Conclusion of Meeting:**

Todd concluded that there would be a short Board meeting after the AHHA annual meeting to elect officers.

The meeting was adjourned at 2:12 pm.