

**Colorado's Timber Ridge Metropolitan District**  
**Regular Board meeting minutes**  
**February 18<sup>th</sup>, 2013**

Board members present: Ivo Brieven, Ken West, Jim Nylander, Stewart Sampson and W.B.Wood.

Members present: Shelley Low, Bob Milford, and Craig Moller

**1. Quorum:** a quorum was established.

**2. Open forum:** No comments

**3. Approval of minutes:** Ivo Brieven moved and Stewart Sampson seconded to approve the regular Board meeting of January 21<sup>st</sup>, 2013 minutes as written. Motion passed unanimously. Ivo Brieven moved and Stewart Sampson seconded to approve the minutes of the special Board meeting of January 28<sup>th</sup> 2013 as written. Motion passed unanimously.

**4. Obtain Insurance coverage:** Property and Liability Insurance was obtained running from 01/25/13 to 01/01/14 for \$1,746.94.  
Directors Workers' compensation was obtained running from 01/01/13 to 01/01/14 for \$196.00: is Colorado statutory requirement and covers Directors for accidents in fulfillment of their jobs.

**5. Marketing lots 1, 2, 5, 6, 7, & 8:**

As approved in the special meeting of 01/28/2013, a listing agreement was signed with Shelly Low at Exit Reality.

On 02/06/2013 a first offer was received on lot 2 for \$310,000 from James and Kathy Grimsrud, who had been in touch a couple months ago. The offer was rejected as too low.

Ivo Brieven made a motion to counter offer with \$369,000. Stewart Sampson seconded and all approved. Shelly Low will make the counter offer.

Stewart Sampson motioned to allow Shelley Low to spend up to \$1,000.00 for advertising the 6-35 acre lots in the Pagosa Sun newspaper on March 7<sup>th</sup>, 14<sup>th</sup>, and 21<sup>st</sup>. This is the common Spring break time with a lot of visitors in town. Ivo Brieven seconded and all approved.

Ivo Brieven motioned to allow Shelley Low spend \$50 to \$80 dollars on "35 acres" signs to attach as riders to her for sale signs. Stewart Sampson seconded, all approved.

Lots 6, 7, & 8: Quintana property line/fence: Under the Colorado adverse possession law, if a fence has been in place for more than 18 years, but is encroaching on other people's property, it cannot be required to be moved. This is certainly the case on the East side fence of lot 8 and maybe on lots 6 & 7. This

will require a disclosure in the sale contract. Ivo Brieven drafted a letter to Mr. Quintana wherein it would be agreed that a document would be recorded stating the fence line is not coinciding with the property line and that the cost of moving the fence to the property line if so desired, will be the responsibility of the party that wants to move the fence, whether it be future owners of lots 6, 7, and 8 or the current or future owners of the Quintana property. At this time we do not know the exact distances of the fence/property line discrepancies, so the board decided to hold that letter until the property is surveyed and staked or until the snow melts.

\$3,000 referral fee: on 02/15/2013 a legal opinion was received from Bud Smith basically advising against it on the grounds that:

- It could be considered a violation of Colorado law
- As a government unit don't push the envelope
- A broker is on the same footing as a finder
- There is a precedent case

The board concurred and will not make a finders fee offer to the members.

#### **6. 2012 audit exemption application:**

Although in 2012 there was no income, nor were there any expenses, the State Auditor's office requires that a 2012 exemption be filed as otherwise they would not be able to accept or approve future exemptions.

Bud Smith has drafted an application (sent to all Directors on 02/08) wherein only the value of the land owned on 12/31/2012 needs to be completed. Bob Milford is waiting for the CPA's CTRHOA tax return in which the cost basis for the conveyance of the property from CTRHOA to CTRMD will be ascertained. This way we are sure we all are on the same page.

That exemption needs to be filed by March 31, 2013.

Ivo Brieven motioned to approve resolution 2013-6. Ken West seconded, all approved, all 5 board members signed the resolution.

#### **7. Things done since the January 21<sup>st</sup> regular board meeting:**

Public Deposit Protection Act (PDPA) ID numbers received from CO Banking Division. There is a number for interest bearing accounts and another for non-interest bearing accounts. Our current checking account at Citizens Bank is non-interest bearing.

Department of Local Government (DLG) ID number received, but still need instructions on how to use their electronic filing portal as the following documents still need to be filed:

- Contact information
- Transparency notice
- Canvas board certificate of elections
- Oaths and bonds
- Director's information

A CTRMD web site is set up within CTRHOA, but still need to advise DLG as soon as an electronic portal is received.

New ctrmd.org e-mail addresses have been assigned to all Directors. All Directors report they are working.

As per resolution 2013-5 bank account signatures have been set up with Citizens Bank.

**8. Things still to do:**

Filing afore-mentioned documents with DLG once an electronic portal is received.

Find out whether the November 5<sup>th</sup> 2013 mill levy election will be a coordinated one or not. County clerk June Madrid has not done so in the past, whereas other county clerks provide this service. In a coordinated election the clerk takes care of all formalities and no DEO is needed.

**9. HUTF Update:** Bob Milford met with Todd Star. They are verifying the road miles with all the other metro districts, then a work session with the County Commissioners and all the Archuleta County Metro Districts will need to be set up.

**10. Records retention schedule resolution:**

On 02/14 Bud Smith's e-mail was forwarded to all directors with an explanation as to how to use Colorado State Archives. Ivo Brieven will file a request with the State Archives and also summarize the retention requirements for documents that are applicable to CTRMD from State Archives table of contents.

Ivo Brieven motioned to adopt resolution 2013-7 as written, Stewart Sampson seconded and all approved.

**11. Financials:**

Deposited \$75,000.00 from Berry's Trust fund  
Paid \$67,825.04 in back property taxes on 01/23/2013 on lots 5, 6, and 7  
Paid Bud Smith's attorney bill  
Received from CTRHOA \$10,000.00 as part of the \$75,000.00 funding.

**12. Any other business:** Ivo Brieven advised everyone that snow should be cleared from all the fire hydrants to expedite the fire departments response time in the event of a fire.

**13. Next Board meeting:** The next regular Board meeting is scheduled for Monday March 18th.

**14: Adjournment:** The meeting was adjourned at 08.30 PM.