



## **BONNER PEAK LANDOWNERS WINTER MEETING MINUTES**

December 13, 2025, 9:00 AM

Livermore Community Church, 284 W County Road 74c, Livermore, CO 80536

**Landowner Meeting Call to Order** - The meeting was called to order by the President at 9:02 AM

### **Approval of Summer 2025 Landowner Meeting Minutes**

A motion was made to approve the minutes of the 2024 winter meeting. The motion was seconded and all others present voted to approve the motion, none against.

### **Introduction of Members Present**

Board members present: Henry Vancil, president, Keith Gallie, vice president, Tom Mitchell, treasurer, Lisa Mitchell secretary, Lynda, assistant treasurer and assistant secretary, Michael Royals, at large. Board member absent: Donna Bathory, at large.

30 Lots were represented in person, which were:

53,24,54,29,18,32,64,16,49,39,5,33,42,12,31,28,69,17,40,52,43,11,30,21,41,45,61, 23,44,56

22 Lots were represented by proxy, which were:

50,57,58,25,36,63,66,34,51,13,59,49,65,32,19,72,67,78,79,80,81,55

In summary, a total of 52 lots were represented at the meeting out of the 82 lots in BPLA. (Lisa miscounted initially in meeting 62 lots, but recounts later showed it was really 52.) Per Paragraph 7 of the BPLA Bylaws currently in effect, a quorum is reached if 1/4th of the votes entitled to be cast are represented (21 lots), thus a quorum was achieved.

### **Report of Officers, Boards, and Standing Committees**

## 1. President's Report

Henry still plans to start publishing a newsletter to the ranch, to cover topics of interest, fire protection tips, etc. More info to come on this next year.

## Treasurer's Report

See attached slide set of the treasurer's report, which covers November financial close, projected year end values, and the 2026 Proposed Budget.

For 2025, we now project to close the year with a surplus of around \$9000, due to a number of late breaking factors. These include much lower road expenses (~4.9K) due to a very low snow year, unspent contingency money for dumpster fines, insurance, operational surprises (~\$2.7K) along with unexpected income from resolved finance charges, legal fees (~\$1.8K). These were offset by an overage in our website spend (\$0.4K) due to the forced migration to a new web services supplier.

Operational Budget for 2026: The proposed operational budget is a \$20 per lot increase over last year's assessment of \$930 per lot. This is driven by higher costs in website hosting, roadwork, state fees, and expected inflation on insurance.

First Motion was made by Tom and seconded to adopt the 2026 Operational Budget, Assessments of \$950/lot, which was seconded. A quick adjustment motion was then made and seconded to amend this motion to clarify that the vote to adopt the 2026 Operational Budget, Assessment of \$950 lot would include giving the Board the power to move items around within the budget during the year as needed, as long as the budget total of \$77,900.00 is not exceeded.

Discussion ensued: John Dettenwanger proposed instead of accepting this budget we should use the surplus projected for the end of 2025 to reduce the operational budget assessment per lot. Henry ruled this would be voted on in a later motion, that we needed to vote on the motion on the floor first.

Two clarifying questions were raised by membership:

- Question: With full reconciliation of 2023 - 2025 assessment shortfalls paid this year, where did this money go? Answer: We

received a cash out of \$13.5K of which \$0.35K went to the 2025 Revenue Shortfall Mitigation fund, \$6.33K went to unpaid 2025 Assessment/legal/finance fees, and \$6.84K went to reserve for the missing 2024 Assessment & Fees.

- Question as to road budget increase in Culverts category: what was causing the expansion? Answer: This category is very broad, covering different types of road work (snow fence work, vegetation trimming, hand labor on drainage, etc.) and historically has run over the budget projected for it. Adjusting budget based on historical data to be more accurate.

The motion to accept the \$950/lot assessment and proposed operational budget passed with 50 votes for, and 2 opposed.

*For reserve:* It was proposed by Tom to return to the original strategic plan established in 2022 to contribute \$100 per lot per year to reserve. This amounts to a \$30 per lot increase over last year. While the reserve currently tracks ahead of plan to reach targets by 2033, the board is planning to increase targets in 2026 to accommodate yearly inflation, and revised estimates for a large snow/storm event and grader replacement.

Approving this addition would have the combined effect of changing the total baseline assessment from \$1000/lot in 2025 to \$1050/lot in 2026.

Tom formalized the request with a second motion: He made the motion that was seconded to have the membership adopt the 2026 proposed reserve contribution of \$100 per lot.

Considerable discussion ensued. The first line of inquiry related to the disposition of the 2025 projected surplus and the possibility that it could be applied to reduce 2026 assessments, lowering them by ~100/lot. Art Abplanalp confirmed this could be done as state law specifies unspent assessments must be either remitted back to the residents, rolled over to the subsequent year operational funds or could be applied to a reserve if published limits had not been reached. Applying the surplus to reduce a pending assessment would qualify as remittance back to the resident.

A second line of inquiry spun up around the necessity of increasing the reserve contribution since we currently showed we were ahead of the targets set in 2022. The purpose of reserves is to protect the Association from large surprise expenses, requiring large emergency special assessments to cover.

It was conveyed that the Board felt the reserve targets were now too low. With inflation that has been occurring, getting to the real cost of a new grader before the current one wears out and being able to handle a really big storm event are in jeopardy. The Board plans to develop and propose new targets in 2026 and applying the surplus directly to reserve is an option.

A clarification question was asked by Rose as to why some of the payment for past due billings contributed to the current year surplus. The short answer is that this was done due to complexity of accrual financial practices with long term liabilities. (\* See more detailed explanation by Tom provided at the end of these minutes.) Rose also stated our annual assessments are low based on her real estate experience with other HOA's in the area.

With the discussion and questions finally resolved, the membership formally voted on Tom's motion, to proceed with the 2026 reserve contribution of \$100 per lot.

The motion passed with 48 votes in favor, and 3 opposed (count at the meeting, maybe someone abstained).

2025 Surplus disposition: With the approved 2026 total assessment sitting at \$1050 per lot, a third motion was made by John Dettenwanger and seconded to take \$8200 out of the projected 2025 surplus and use it to reduce 2026 operational assessment by \$100/lot, to take the total assessment/lot back to \$950/lot. This motion failed, with 3 votes for, and 50 counted against. (Probably only 49 against, a miscount by 1 one somewhere, just publishing what was said at the meeting.)

Final budget fourth motion: A motion was made by Henry and seconded to take the projected surplus from 2025 and add it to our reserve next year (when we get the finalized value of the surplus in late January 2026). This motion passed with 51 votes for, and assuming 1 vote abstained.

So, in summary, from the motions passed by the membership above, the annual assessment for 2026 will be \$1050 per lot (\$950/lot to go to operational budget, \$100/lot committed to reserves). Then also to be added to reserves in 2026 will be the surplus from 2025, currently projected to be around \$9000, but exact amount not known till mid to late January, after accountant year end reconciliation.

Finally, the 2026 treasury proposal alluded to a potential special assessment of \$70/lot for a yet to be approved automated entry gate project. Discussion of the project was tabled to later in the agenda where it would be voted on as a separate matter.

## **2. Secretary's Report**

Welcome to all the new owners on Bonner Peak!

New owners on the Ranch in the last 6 months are:

- The Smith's bought lot 19 from the Klingenberg's on Red Bear, and lots 67, 78,79,80,81 from the Weiler's at (end of North Greyrock Rd, and Deer Valley Road.)
- Kristina Lawrence and Guy Roginson) Kristina Lawrence trust, bought the Adam's house on Juniper Ridge, lot 2.

All new owners are encouraged to get BPLA stickers for their cars, so we know you are not trespassers. At the Winter Meeting, residents present picked up all the remaining stickers, so the secretary will be ordering more. For residents wanting more stickers, call the secretary at 970-412-8348 or email [secretary@bonnerpeakranch.com](mailto:secretary@bonnerpeakranch.com), and I can arrange to get them to you when the new order comes in, but putting envelopes in the package box with your name on them, or other means if you prefer. Also please email the secretary if you have any changes to your contact info, mailing address, email, or phone number, or see errors in what is published in the Public Directory.

## **3. ACC Report**

Cynthia See reviewed the function of the Architectural Control Committee, and described what they try to regulate, the process for submitting applications. She emphasized that the ACC aims to set a neighborly tone, and encourages landowners to work with the ACC as they strive be flexible.

Julia Klein commented that the ACC may want to consider new land use

codes recently enacted by the county regarding landscaping and wild fire mitigation, that the ACC may want to consider adding to our rules. She said she would send the ACC the information she had on this.

Lately there have been issues with signs, both temporary and permanent, that require ACC approval. The ACC has published an updated version of the Architectural Control Committee Rules and Guidelines, which was distributed to all landowners on November 24<sup>th</sup>. The changes from in this version from the current 2018 version were:

- Changes to allow email applications
- Several updates and clarifications to the regulations regarding signs

It was clarified that the ACC Rules and Guidelines do not cover records retention rules for the Committee, which are governed by rules in the BPLA Operating Procedures.

In accordance with our Covenants about the rules for making changes to the ACC Rules and guidelines, a motion was made and seconded for the membership to vote and approve the new version dated November 2025, that was distributed to all members for review previously.

The motion passed with 51 votes for it, and 2 abstaining. (Probably 50 votes for, as there were only 52 in sign in count, but recording count as stated in the meeting.) The new ACC Rules and Regulations Document will now be posted to the Website as the new official version.

#### **4. ALCC Report**

Laurie Merrell gave the Animal Control Committee Report. The main purpose of the Animal Control Committee is to protect the health of animals on Bonner Peak. Every owner bringing a new horse onto the ranch must provide proof of ownership, proof of vaccinations and a negative coggins virus test report. The ALCC wishes to add to the requirements for new horses for the resident to submit to them either a an official CVI (Certificate of Veterinary inspection, vet may charge \$100) or a statement from a

veterinarian about the current health of the horse.

From the covenants, the process for changing the ALCC requirements document is to submit a proposed new version of the ALCC requirement document, in electronic form, to the Secretary to email to all landowners at least 10 days before a landowner meeting (Summer Meeting is next one.) Then the new requirements document must be approved by a majority of votes at the meeting where a quorum is present. So, the ALCC has an action item of getting the secretary a new proposed version of their document with the change.

Laurie also spoke about the need to have a library of pictures of horses, tied to owners, as well as dogs, to aid in identifying and returning lost animals who get out and roam around the ranch. It was thought it would be nice if we could have the data accessed on our website. Arlene added that it would be helpful to have owners also provide descriptions of a few key identifying characteristics of there horses or dogs, so folks looking at a library and see if the lost horse they were seeing matched that description. The Board is open to looking into this.

## **5. Neighborhood Watch Report**

Eddie Taylor reported no trespassing or other issues reported to him in last 6 months. The folks who live on the top of Bonner Peak frequently encounter trespassing hunters, but have had some success posting some temporary signs to warn them away.

## **Road Report by Doug Gibbs**

Please read the attached detailed road report summarizing 2025 and detailing snow plow duties presented at the meeting by Doug Gibbs. Hi-lites: it was a heavy year for grader repair, and in 2026, we will be looking to bring in an off-ranch contractor to share some of the load with Jim Garofalo, our on-ranch current equipment repair contractor. We all thank Doug Gibbs and the rest of the road crew for their service.

There was a request made that contact info for the members of the road crew be posted on the website. Lisa now has this posted on our website, under Owner Resources as a link on the Directory page.

## **Member Issues and Concerns**

1. Bill Moore: Shared flyers on Radon Gas Mitigation, and the recent work on his house done to bring his Radon mitigation up to code, and to add Radon mitigation his well-water. We have a lot of uranium in our soil, and an average in Colorado is most residents get the equivalent of 3 X-rays a day from the naturally occurring Radon Gas in our homes, unless we employ mitigation. It has been attributed to increased lung cancer rates.
2. Julie Klein spoke about how her son, Terran, in high school, wishes to continue or expand the school project he had last year, where he had various Bonner Peak Ranch neighbors arrange with him to pick up their recycling and take it to the recycle center. He would like to see if he could leave a used battery container in the package box, and possibly a trailer by the dumpsters where folks could put separated recyclables, and he would periodically take it to the dumpsters. Terran will be invited to come to the January Board meeting to discuss this, as issues like battery safety, space in dumpster area, and rain and wind protection for recyclables must be considered. Rose reminded folks to break down their cardboard boxes in the dumpsters at least. If everyone did this, we could probably use one less dumpster.
3. Michael Royals acquired a lot of tools from departing neighbors, and wants to start a tool lending library, where Bonner Peak residents could contact him to check out a tool at no cost, just arrange to come by and pick up and drop off. Most of these would be large powered tools, and the list of items to lend could be put on the Bonner Peak Website.
4. Eddie Taylor provided flyers from Dark Sky international, on the importance of keeping lights at night down to preserve the natural night time environment for night migrating birds and for circadian rhythms of animals and humans important for health, amongst other benefits.

5. Eddie Taylor also passed on a message from Joel Meeter to ask homeowners to look up CWPP (Community Wildfire Protection Project) and HIZ? (Home Ignition Zone) Guide on the web, to evaluate their homes for fire mitigation (often required by Insurance companies now). The Road Crew is also working with CWPP now to improve road access for firefighting at Bonner Peak.
6. Bob Grimmer provided flyers to get helicopter insurance from AirMedCare, as without it, if you have an emergency out here, a helicopter ride can cost \$30K. Another resident stated there are other providers, too, so shop around for the lowest rates.

## **Old Business**

1. Update on HOA Software: new web hosting, email, QuickBooks conversion for easier accounting

See attached slides presented at the meeting about our new website and new board emails most board members will be using. All members must re-register to get access to the BPLA-only content on the website. Expect all board member emails to come from @bonnerpeakranch.com addresses, and send communications to the board through these addresses. The Board will be looking to formalize a subcommittee of the people in Bonner Peak who support our website and interface with the hosting service. We did not give an update in the meeting about the treasurer implementing Online QuickBooks to save cost and time interfacing with the accountant, but it is in process.

2. Responsible Governance Policies

Revision 16 of the Responsible Governance Policies and Supplemental Operating Procedures, which we propose to replace our current BPLA Administrative and Operating Procedures, was emailed to all members to review on November 24<sup>th</sup>.

This version explicitly disallowed fines for covenants violations. This had never been done before. Our covenants were assumed by some to disallow

finer by omission, as they were not mentioned as a tool for enforcing covenant compliance.

The Association in its history has never levied a fine for a covenant violation, other than the allowed finance charges and liens for failure to pay assessments.

The Board felt it was important to have an explicit landowner vote on taking this step, and attached are slides Tom Mitchell presented at the meeting, detailing the issue, history, and trying to outline the case for fines, and against fines, as a useful tool to help with covenant enforcement. The case for fines involved the issue that with covenants establishing legal action as the only way to prosecute violations, this is exorbitantly expensive to the Association, and has never been done. We have resorted to strongly worded letters, visits, talks, and threats of legal action to compel compliance. Fines might help compel this compliance with less effort and cost. Also, the Association is vulnerable to legal action in cases where we have failed to enforce our covenants.

Also, the process for fining landowners is heavily regulated by state law, where all landowners are to be notified of violation first and given a chance to correct, schedule hearings and mediations to determine if the violation is true, before fines are levied. A maximum fine schedule is also laid out by state law, as was detailed in the Revision 13 of the Responsible Governance Policies which were distributed to all member in September of this year.

A motion was made and seconded at the conclusion of the presentation on fines to have landowners vote to grant the board the ability to establish fines for the enforcement of covenant violations and establish a fine schedule in accordance with what is allowed under state laws.

The ensuing discussion points coming from landowners:

Some members felt this gave too much power to the Board to set fines. Power to tax is power to destroy.

One member asked how often we have had issues of people violating covenants, and refusing to correct. Diane Watkins related some history where an outside agent identified a lot of covenant violations over 20 years ago, and mailed all residents notice of them. But there was no data on whether they were all corrected.

One member asked how many of us know we have uncorrected long standing covenant violations, that have never bothered anyone, not terribly visible to others, and were never reported? Some things the ACC might be flexible about? Would not want to suddenly have fines for that.

Luke and Art spoke about the other covenant enforcement avenues the Board has, where any landowner, if bothered by another landowner's covenant violation, can file suite themselves against such landowner, and get it judged in court. The individual landowners would bear the legal costs until a judgement is rendered. So, the Association does not always have to bear the legal cost of prosecution.

One member related a case where without fines we in the past successfully compelled a landowner, who wanted to use their lot for storage of items, against our covenants, to sell their lot, and leave Bonner Peak. Strongly worded letters and discussions have worked on some other hard cases in the past.

At the conclusion of discussion, the vote on the motion to approve fines was taken.

The motion failed, with 11 votes for authorizing fines, and 38 votes against. (Presumed 2 abstentions, or maybe some members had left by then.)

At the conclusion of this vote, membership was asked if there was any other feedback on the Revision 16 document, in other areas outside of the fines issue.

Even though not required by the process for adopting the Responsible Governance policy, Henry made a motion that was seconded to go ahead and hold a landowner vote on whether the membership approved the adoption of the Revision 16 Document, previously distributed, as a good gage of landowner support.

Art wanted to make a motion to amend the Revision 16 version in the fines area to state that in order for members to approve a policy in the future to authorize fines, it would need to be done as an amendment to the Covenants, with the 2/3 majority of all landowners vote needed to approve. However, Henry asserted we

go ahead and vote on the motion for landowner approval of the Revision 16 document as is first.

More discussion then ensued on other parts of the document, detailed below. John Dettenwanger enquired why it seemed our former Reserve Policy with Reserve accounts for storm, general, and equipment, that we tract for target reserves, omitted. It was clarified that all this original content was still present in the Supplemental Operating Procedures Section of the Document. The lawyer had given us a Reserve Policy focused on compliance with latest laws that he did not want edited, and we kept the parts that were not covered by the lawyer in our own supplemental policies on reserves in a separate section.

Art protested that in our Supplemental Policies regarding ACC procedures that we needed to change the word “may” to “shall” in the statement of how long the ACC should retain applicants detailed supporting materials. That is, change:

After conclusion of the ACC review process and any appeals there from, detailed supporting materials included as part of submittals to the ACC (e.g., product or paint samples, drawings, plans, or blueprints) **may** be retained by the ACC for one year after the completion date and then may be returned to the project applicant.

To:

After conclusion of the ACC review process and any appeals there from, detailed supporting materials included as part of submittals to the ACC (e.g., product or paint samples, drawings, plans, or blueprints) **shall** be retained by the ACC for one year after the completion date and then may be returned to the project applicant.

This makes it mandatory that the ACC do this records retention, for assurance that the construction was done as advertised. Arlene agreed this change should be done.

Art also proposed changes to Excluded Records in the Records Retention policy, which covered keeping Minutes of Executive Sessions of the Board and certain detailed design documents of the ACC in the category of excluded records not subject to have any member able to request them and get copies of them. The board had felt we had to keep these records on the list for exclusion of any landowner getting copies of them, to protect the privacy of the landowners that were subjects in the Executive sessions, and protect copyright data on detailed

architectural drawings. They should not be given out without the landowner's permission. Art seemed to want these records taken out of the excluded records section, so that any landowner could request a copy of them. This proposed change needs more clarification as it seemed wrong to the Board.

Luke Santangelo offered that we also should be in compliance with our legal counsel about the adoption of the Rev 16 document, which has not been formally done yet, though our lawyer has been made aware of it.

At the end of the discussion, a vote was taken as to landowner approval of Rev. 16.

The vote was 25 votes for the approval of Rev 16 as is, and 22 votes against approval of Revision 16. At this point some members must have abstained, or in some cases may have left, due to the meeting running over time.

The Board will take into account this feedback before deciding if we will have a vote to approve Rev 16 at the next Board meeting in January, or whether to revise the document again, send out to landowners, and schedule later Board meeting for approval.

### 3. Update on Front Entry Gate and membership vote on a special assessment

Because the meeting had already run an hour and a half over time with the protracted discussions on the budget and assessments and the Responsible Governance Policy and fines, Henry made the executive decision to postpone the Front Entry Gate Plan update and a vote on a special assessment to the Summer Meeting. It will be revisited then.

## **Closing of Meeting**

The meeting was adjourned at 1:27 PM.

Addendum: Tom's answer provided later to a question Rose asked about why repayment of payments due in 2024 became a surplus in 2025:

The long answer is that the Association operates under the accrual financial methodology where revenue is recorded when billed. Therefore, the 2024 assessments were financially booked as income received in 2024. The fact that the money had not flowed was recorded as a pending (favorable) liability to BPLA but not entered as part of our 2025 budget since it was not clear when it would be resolved. When payment finally occurred, it closed the pending liability and was available as free [unbudgeted] capital to be provisioned as we saw fit. Since the original intent was operational funding of 2024, the decision was to apply this 2025 windfall to reserve where excess 2024 funds would normally have ended up.