

Tierra Grande Improvement Association, Inc.  
Via: Zoom & Telephonic  
Board of Directors  
September 28, 2022

**Directors Present:** Jim Lardner, President  
Michael Sumner, Executive VP  
Judi Magnussen, Treasurer (Zoom)  
Rhonda Davis, Secretary  
Trenten Moore, Director

**Directors Absent:** None

**Administration Present:** Sue Moran, Administrator  
Ron Robbins, IT/Maintenance  
George Hobbes, Accountant

**Guest(s):** None

**Audience:** None

Jim Lardner, President, called the meeting to order at 4:03 p.m.

**AGENDA:**

Mr. Lardner asked if there were any changes to the agenda.

Ms. Moran requested adding:

Executive Session to end of the Agenda to discuss legal issues related to Liens / Foreclosures

Agenda was approved as amended.

**ACTION ITEMS:**

**Board of Directors Meeting Minutes – August 24, 2022**

Mr. Lardner asked if there were any changes or corrections to the content or to the substance of the minutes.

**Motion: Motion by Ms. Magnussen, seconded by Ms. Davis to approve the Board meeting minutes of August 24, 2022, as presented. No further discussion. Unanimously approved. Motion carried.**

## **2022-2027 Five (5) Year Plan –**

Ms. Moran reported that draft of the TGIA Five (5) Year Plan was emailed to members on August 26, 2022, requesting the members review and comments. To date, no comments have been received.

Discussion took place regarding the date of 07/22 – 08/27 in the heading of the Plan. Decision was made to leave it as is but to note that the Plan was approved by the Board on 9/28/22 and Adopted (effective) 10/1/22.

**Motion: Motion by Ms. Magnussen, seconded by Ms. Davis to approve the TGIA Fire (5) Year Plan as presented. No further discussion. Unanimously approved. Motion carried.**

Ms. Moran noted that the Plan will be posted on the TGIA website as soon as possible.

## **Grant – Power Line Extension –**

The Board reviewed a request from Sarah Martinez who plans to build a residence in Unit 20 of Tierra Grande. Currently the power line is approximately 1,600 feet away from the closest power line. Socorro Electric Co-op quoted an estimate of \$16,472.55.

As proposed the extension of this power line would improve between 7 – 9 properties. There is no alternate route that would improve more properties. Ms. Martinez is asking for a contribution from TGIA of \$2,250 (9 lots X \$250 / lot).

**Motion: Motion by Ms. Magnussen, seconded by Ms. Davis to approve the Grant request from Ms. Martinez for a maximum grant of \$2,250 to be paid directly to Socorro Electric Cooperative when proof of completion is provided to the Association. No further discussion. Unanimously approved. Motion carried.**

## **Offer to Purchase TGIA Property -**

The Board reviewed an offer from 7Land Corp to purchase a lot owned by TGIA – Unit 19 Block 1, Lot A – 64.50 Acres for \$21,607.50. Since this lot is technically part of TGIA Open Space and is strategic to the BNSF rail line / access to our Open Space and adjoins the Mountain Shadows Ranch, the Board felt it was in the best interest of the Association and its members to decline the offer.

**Motion: Motion by Ms. Magnussen, seconded by Ms. Davis to decline the offer from 7Land Corp to purchase this TGIA owned property. No further discussion. Motion carried.**

**FINANCIAL REPORT(s)** – The Financial Report for period ending August 31, 2022, was reviewed.

Ms. Moran noted that she had compared the expense / revenue against the same period in 2021. Some expenses were higher – but nothing that the Board was not aware of – such as miscellaneous salaries and related payroll taxes, newsletter costs, purchase of a computer.

Mr. Hobbes noted that TGIA wrote off over \$6,800 in dues/assessments exceeding the 5yr/364-day collection limitation.

There being no further discussion, Mr. Lardner recommended that the Financial Statement for the period ending August 31, 2022, be placed in the record for audit or review.

## **OLD BUSINESS:**

### **Update-Multi-Use Center –**

Mr. Moore noted the following:

- Fencing contractors: No update
- State Fire Marshall Site Inspection: No site review date has been set at this time.
- Transworld Network (internet): Notified TGIA they still intend to construct a tower in our Open Space – they are identifying the best possible location.
- Well: Harvey Yates donated sonar services to TGIA to help locate the best location to drill a well on the fire station property. Of the three (3) sites located – 1B1 appears to have the best likelihood of success.

Ms. Moran will reach out to the State Engineer to find out if TGIA might qualify for an exemption for “beneficial use” which would allow us to have a commercial well on a residential lot. Ms. Moran also shared that Mr. Yates would be willing to sell and/or lease water to TGIA for the well if required by the State Engineer. Ms. Moran also noted that Mr. Yates thought that \$75,000 would be the approximate cost for a commercial well.

### **Fees / Fines Tracking Report –**

The Board reviewed a tracking report which reflected various fees owed to the Association such as Liens, Foreclosure charges Legal fees, and Architectural Control fees and fines. Discussion took place regarding the various fees. Mr. Hobbes recommended that the title of the report be “Properties with Fees Recoverable.”

## **NEW BUSINESS:**

### **BNSF / VC BoCC –**

Mr. Robbins shared that the Valencia County Board of County Commissioners met on Wednesday, September 21<sup>st</sup> to discuss BNSF closing of the Becker Crossing in Tierra Grande (Military HWY - Unit 6 – Industrial – west side of HWY 47). The Commission made the decision to have Lina Benavidez, VC Director of Public Works, bring all parties together to see if some compromise can be brought about.

Ms. Moran noted that Holly Woelber of HAW Dairy called to report that BNSF is now talking about adding additional railroad tracks to the Becker Crossing area. Even railroad spurs to offload railroad cars in need to repair.

### **Architectural Control – Amendments to Fees / Fines –**

The Board reviewed the following proposed amendments to the Architectural Control Fees and Fines Policy:

1. Conditional Fee – \$1,500
  - a. An owner asks to build a large permanent structure prior to completing a qualified residence – a \$1,500 conditional fee would be charged. This is because should the owner default on building a residence these structures cannot be removed without significant cost to the Association. When the owner completes the residence, and a Certificate of Occupancy is issued– the Conditional Fee will be returned.
  - b. Time Frame to complete a permanent structure (barn, garage, shop, etc.) and provide a building permit for a residence – 2 years or the Conditional Fee will be lost.
  - c. Shipping containers / box cars, semi-trailers, or other similar storage containers – place a short – specific period to time – six (6) months to one (1) one year at the most – to have the containers modified to match the home or have them removed or the Conditional Fee will be lost.
  - d. Modify ACC Conditional Building Approval Form to address the above which the owner agrees to and signs:
    - i. Allowing TGIA to come on to the property to remove the offending items if possible
    - ii. Understand they will be lost the Conditional Fee for non-compliance
    - iii. Make the time period non-negotiable
2. Other Structures and/or Unapproved Structures
  - a. Smaller structures such as moveable 10 X 12 storage units / without a residence
    - i. \$10 / month for a maximum of one (1) year or fines begin PLUS \$10 / month fee runs concurrent with the fine
    - ii. Plans to build a residence must be presented within one (1) year or the structure must be removed by them or TGIA

- b. Modify ACC Conditional Variance Form as noted above
- 3. ACC Chair's Authority to Assess Fees / Fines as Situation Dictates
  - a. From time to time there are situations where the owner is experiencing circumstances outside the specific issues not outlined in the fee / fine scale. The ACC Chair should have the authority to collaborate with the owner to impose / amend fees / fines in accordance with the circumstances.

Discussion ensued. Mr. Lardner suggested modifying the ACC Policy / Fees – Fines which might address these situations. For example:

- Owners not in compliance -
  - years 0 – 2 – will be fined \$100 every 6 months
  - years 3 – 5 – will be fined \$250 every 6 months
  - years 6 or more – will be fined \$500 every 6 months
- These fines will run concurrent with the associated fees

Ms. Magnussen and Ms. Moran will meet to review this suggestion as to how they may fit with the current ACC Fees / Fine Policy and HOA law.

Topic tabled for discussion at the October Board meeting.

**OTHER ITEMS: None**

#### **EXECUTIVE SESSION:**

The Board moved into Executive Session at 5:51 p.m. to discuss legal issues relating to properties that have moved into foreclosure with mortgage companies for which TGIA is owed past due assessments, interest, and legal fees.

The Board reconvened at 5:45 p.m.

No action was taken during Executive Session.

**ADJOURNMENT:** Mr. Lardner adjourned the meeting at 5:54 p.m.

**Next TGIA Board Meeting:** The next meeting is scheduled for Wednesday, October 26, 2022, at 4:00 p.m.

---

Signature

/sdm: Minutes09/28/2022

---

Date Approved