

**Board Meeting Minutes**  
**Owners Association of Elk Meadows**  
*May 17, 2016*

**The meeting was called to order at 6:30pm by Joe Lange.**

**A. Opening**

2. Roll Call

Board Members: Joe Lange President, Guy Poulin 1<sup>st</sup> Vice President, David Mullings 2<sup>nd</sup> Vice President, Maggie Guscott Treasurer, Diane Thompson Secretary.

Guests: MaryBeth Davis, Rick Greene, Peter Rowland, Bob and Gail Sprentall (members).

3. Call for items from board members: None.

4. Open Forum:

Peter Rowland noted that the Conservation committee report will include an update on the cleanup necessary around the development.

**B. Formal Approval**

1. *April board meeting minutes*

**Motion to approve minutes:** Joe Lange; seconded: Guy Poulin; motion passed.

**C. Treasurer's Report was accepted as submitted.** Main points included the following:

1. *Income and expenses* are tracking as expected;

2. Payment has been received on lot 127 and the lien released; Maggie noted that the county will apparently be notified automatically as part of the process; and

3. *Delinquent accounts* are being worked to reduce delinquency as usual; two larger ones were paid up this month.

**D. Committee Reports**

1. *Water/Sewer:*

a. Joe reported that *operation* of both the water and the sewer plants is satisfactory, i.e., both plants are in compliance.

b. Guy advised that the Colorado Department of Health has started auditing some HOAs in terms of their water/sewer system performance and compliance against 2008 standards, and suggested that it might be advisable to be proactive in terms of comparing our system to those standards.

**Action:** Joe Lange will ask Dan Barteshius to look into and report on this issue in regards to our system performance.

c. Peter reported that Jim Hayford has mentioned the need to repair certain sewer system components; he will investigate further.

2. *Finance/Budget:*

a. *Budget:* Maggie stated that we start work on the 2017 budget in September. Basing it on the 2016 budget, one main change will be related to the Governance initiative; others will be considered as details surface.

b. *Capital Replacement Plan:* While we need to develop this in more detail in terms of the impact of the remaining life of the various project components, Guy suggested that it would be advisable to lean on expert opinion to do so, and could result from the Governance initiative.

3. *Roads*: Guy P reported as follows:
  - a. *2016 road maintenance*: He and Dan Choate have assessed the situation, and, with the goal of steadily improving our roads from the outside of the development in (so as to address the most heavily trafficked areas first), Guy recommended bringing in 28 loads of gravel (at \$350 per load) of all class 6 this year. He outlined where and how the gravel would be used (San Juan, Valley View, the end of Aspen Drive, Fawn Lane, and Aspen Glow), as well as one load per each of two speed bumps to be placed to slow traffic down at certain places in the development (and graded out in the fall). (The success of this pilot project will be assessed before repeating the process next spring.) In addition, the plan includes a culvert on Valley View.  
 Joe commended Guy on his work on roads over the last three years; Guy agreed to continue on the road committee post stepping down from his board position in July.  
**Action**: Guy will get estimates for said gravel and grading work; Maggie confirmed that funds are in the budget for this level of road maintenance.
  - b. *Snow plowing*: **Action**: In readiness for next winter's snow removal needs, Guy will talk with both Jonathan Discoe and Dan Choate about possible contracts. He added that we need to refine this year's contract to automatically include early or late out-of-season snow storms.
4. *Conservation*:
  - a. *Tree treatment*: Mary Beth reported on the satisfactory outcome of this year's tree treatment project per attached report, in particular commenting on the increase in participating homeowners, and the success of this year's new offering, the property tree survey.
  - b. *Weed control*: MaryBeth Davis asked for approval of two initiatives, per attached report.
    - i. **Motion to move ahead, using the budgeted funds for Weed Control, to contract with the vendor for 2016 work**: Joe Lange; seconded: Maggie Guscott; motion passed.
    - ii. **Motion to approval rebuilding the kiosk** (by the mailboxes) for use in promoting Elk Meadows' initiatives: Joe Lange; seconded: Maggie Guscott; motion passed.
  - c. *Slash piles*: Related to the thinning of the trees on Aspen Drive near the turn off for Forest Hill, Mary Beth asked about slash piles (that could also be useful to homeowners wanting to get rid of downed branches). David noted the slash pile on his property, which he was thinking of offering to the fire department for a training session. Gail mentioned two slash piles behind their house. Peter noted the slash pile that Hayford had accumulated, and offered to ask if that location could be used again.  
**Motion to empower Peter to set slash pile location(s)**: Joe Lange; seconded: Maggie Guscott; motion passed.
5. *Renters*: Rick distributed and discussed a preliminary list of issues to be included in a renter package (and for all residents). Following discussion,  
**Action**: Rick will revise the document for decision at the June board meeting.
6. *Governance*: Joe reported that Walt Atwood is sending out a survey within the next few days, encouraging the community to vote (at the Annual Meeting) to proceed, and will provide an update as soon as it is available.
7. *Communications*, specifically the Elk Meadows *Directory*: After discussion,

**Motion for Maggie to direct Pam DePena to update the Elk Meadows directory:**  
Joe Lange; seconded: Guy Poulin; motion passed.

#### **E. Issues for Discussion**

- a. *Annual meeting:* A decision will be made by June 1<sup>st</sup> as to the contents of the initial hardcopy homeowner packets. Over and above meeting notification, draft agenda, voting ballot(s) and proxies, the packets could include possible propositions for vote, and promotional materials on weed control and renter regulations.
- b. *County Road 5:* The condition of this road is before the County Commissioners for attention and possible funding. The board decided that Elk Meadows should be part of the initiative to lobby for Federal funds.  
**Action:** Joe will represent Elk Meadows and make necessary contacts on this initiative.
- c. *Solar project:* David reported that he and Helen are on track for a proposition at the Annual Meeting. Next steps include:
  - i. getting more accurate estimates;
  - ii. putting together a committee to narrow down the options;
  - iii. conducting a visual impact study.

#### **F. Other items**

1. Joe reported that while the *Law's property exchange* was approved, the USDA is now questioning the exchange in terms of land valuation. Thus the sale of said property is delayed.
2. *Request for permission to build:* After discussion of the facts related to the construction in terms of regulations in Elk Meadows,  
**Motion to approve Diane Thompson / Lonnie White's request to build a solar-powered geodesic dome:** Joe Lange; seconded: Maggie Guscott; motion passed.
3. *Dispute Resolution* (referring to the Request for Dispute Resolution submitted by Bob and Gail Sprentall, April 19, 2016, as attached): Discussion proceeded as follows:

#### **Joe Lange, on behalf of the BOD of Elk Meadows:**

opened the discussion of the Sprentall's dispute with a statement of commitment from the board in terms of:

1. The intention of evenhandedness / fairness in addressing the various issues of dispute;
2. Agreeing for David Mullings to contact the Sprentall's regarding an attempt to resolve the issues;
3. Assurance that the issues will be addressed without prejudice or attitude of revenge.

Joe categorized the Sprentall issues as follows:

1. Issues covered in the agreement of March 2015 (later corrected by Bob Sprentall to October 2014) have been resolved and signed off on at that time, and therefore cannot be raised again;
2. Issues with the previous board about which the current board can do nothing, and therefore which are not helpful to raise;

3. Present issues (such as snow plowing, roads, signs, etc) over which the current board has control and can do something, and which the board will be delighted to discuss to reach resolution.

Joe asked the Sprentall's to accept the above as the intention of the board and invited them to work with us (the board) to solve these (third category of) issues. He then passed over to Bob Sprentall to discuss their issues.

**Bob Sprentall, representing himself and Gail Sprentall:**

responded by thanking Joe and inviting David Mullings to add comments as he (David) saw fit. Bob summarized the situation and their intentions as follows:

1. That, while up to the Mediation (October 2014) the Sprentall's had spent a lot of time and money to try to resolve the issues they had brought forward,
2. They had hoped that they could work with the board, then and now, to move forward and work together in a neighborly fashion. Gail endorsed this statement later by stating that in the settlement their intent was positive, and they wanted to move forward.

Bob stated that they (the Sprentall's) did not want to discuss each and every issue on their list, but to just present the issues and the support documents for the board to look at and as information – and possibly further discussion – in the future.

To summarize their position, Bob stated that, in their opinion, whenever they have brought up issues in the past, there has been a barrier (to open discussion), that they have felt resistance or a sense of retaliation by the board, and that we all need to move beyond this. As Gail added later, they felt that the door was slammed in their faces.

As an example of why they feel this way, Bob brought up the latest example of the April snow plowing issue. As he stated, Guy was on top of the situation in terms of getting Discoe up to plow. However, as it turned out, Aspen Drive was not plowed adequately for them to be able to navigate it to enter their home when he (Bob) returned from hospital on the Wednesday, and they had to ask Jim Hayford to plow for them - hence a sense of retaliation by the board for not trying to work together to resolve the issue.

Recognizing that we can't undo the past, and commending the board on its current work on governance, etc, Bob stated that they (the Sprentall's) want to move forward and work with the board. As an example, referring to the board meeting discussion on County Road 5 earlier in the evening, he offered that he would like to provide information and contacts to be part of helping this initiative along.

Bob concluded by stating that the big issue is how we can work together, them with the board and the board with them...

**Joe expressed appreciation for Bob's position and points of discussion.**

Using the example of the April snow plowing issue, Joe suggested – and Bob agreed – that the main problem was communication. In this particular example, the confusion on the part of the board as to why snow plowing Shady Lane for entrance into their house was not adequate resulted from no one on the board being aware of Bob's surgery or its implications.

David injected that, in discussions with Bob and Gail earlier in the day, not representing the board, but with the intent of making the meeting productive and civil, the Sprentall's had agreed that the main problem has been communication; in fact perhaps 99% of the problems have been communication problems.

**General discussion then covered various topics related to the issues of dispute, in particular:**

1. *Removing barriers*: The positive effect of Bob coming forward with offers of help on County Road 5 initiative – which helps to remove barriers felt on both sides and to reverse the sense of not being able to work together;
2. *Board delay/refusal to act*: Guy summarized any perceived board delay / slowness to action as related to the slowness of process. As an example he walked through the stages leading up to where Elk Meadows is now in terms of its governance, its documents, and the expertise to help us with same.

Bob suggested that the attorneys on both sides were at fault for taking the *original dispute to litigation* and not recommending a path such as we are now following regarding governance.

3. Joe expressed the desire to get on with present initiatives of governance, conservation, renters policy, etc, stating that there is no barrier between the board and the Sprentall's from the board's point of view, and hoping we can communicate in the future.

This Bob endorsed, stating that the board does need to work on these initiatives.

4. Bob expressed concern regarding *following or not following process and policy* – and doing things right - with the example of establishing committees: From his perspective, the Governance Committee was not correctly formed (not documented in minutes), while the Solar committee was correctly formed.
5. Regarding policies, in particular the *Dispute Policy*, Guy suggested members should come forward with suggestions for improvement. However, he reminded that this policy will be addressed as part of the Governing Documents.

He also suggested that if there is an issue, members should bring same to a board meeting, discuss it, and move on.

6. Peter Rowland expressed *confusion as to the process of this particular discussion*, (a) stating that the dispute was not on the agenda, and (b) pointing out expectations for following the rules but bending the rules – on both sides. Joe acknowledged the validity of Peter's statement, while Bob highlighted the obvious conflict between the Conduct of Meetings Policy and the Dispute Policy which do not mesh well.

**Wrap up:**

1. Joe stated that the board would be delighted to have the Sprentall's work with them, and hoped that we could move forward working together cooperatively, trusting each other, and communicating on a friendly basis. He added that he would like the board to have such a relationship with the whole community.
2. Bob and Gail both expressed their appreciation. Bob added that there have been hurt feelings on both sides and that we need to move on.
3. Mary Beth asked for the opportunity to examine the support documents related to those items for which she was impugned.
4. Gail asked if the board would like the opportunity to review detail of the dispute issues. While David suggested that the Sprentall's might like to bring forward one

or two issues for discussion, Bob asked that the board provide a written commitment to working together, to which Joe agreed.

**Action:** The board will issue a letter of intent to the Sprentall's showing their intentions to work together, cooperatively, with trust, and communicating in a friendly fashion - with the goal of moving major initiatives forward.

**G. Executive Session** None

**H. Adjourn**

There being no further business, the meeting was adjourned. The next regular meeting is scheduled for Tuesday, June 14<sup>th</sup>, 6:30pm at the Lange's residence (30 Forest Hill Road).

Signed by Diane Thompson, secretary.