

Board Meeting Minutes
Owners Association of Elk Meadows
October 11, 2016

A. Opening

1. Note that the meeting is recorded.
2. Roll Call: Joe Lange, President; Mike Cammack, 1st Vice President; David Mullings, 2nd Vice President; Maggie Guscott, Treasurer.
Guests: Walt Atwood, Tim Beene, Helen Bowers, Rick Greene, Peter Rowland, Bob and Gail Sprentall, Diane Thompson (members).
3. Call for items from the board: None
4. Open Forum:
Helen Bowers asked whether it is reasonable to expect that the EMHOA board meeting minutes are unbiased. Peter noted that board meeting minutes do not have to record anything other than motions. Maggie responded that (a) minutes are not intentionally biased, but Helen's concern is worthy of consideration; (b) EMHOA board meeting minutes are fuller as a tool for new boards to review past decisions.

B. Formal Approval:

Commenting on the September board meeting minutes, Gail Sprentall stated that there have been no new issues and asked that item F of the September minutes be amended accordingly. Thus the proposed restatement of item F reads as follows:

“Sprentall dispute:

Joe reviewed the progress of communication with the Sprentalls since the May board meeting, including David Graf's response to their dispute on behalf of the board, meetings with them by David Mullings and Maggie G, and their current request for response to new information and dynamics, which David Graf has again been asked to handle.”

Motion to approve the September board meeting minutes with said amendment:

David Mullings; seconded: Maggie Guscott; motion passed.

C. Treasurer' Report was accepted as submitted. Main points were as follows:

1. Income is on track with budget, with a steadily decreasing number of delinquent accounts.
2. Expenses have been as expected.

D. Committee Reports

1. Water/Sewer: Tim Beene reported that the water system operations are in order; also the sewer pump out exercise is scheduled for tomorrow (Wednesday, October 12th).
2. Finance:

Joe noted that Maggie has submitted a draft 2017 budget for board review, after which said budget will be sent to Summit HOA Services for comment in light of their current work on EMHOA documents and subsequently, the capital replacement plan.

3. Roads:

- a. Joe noted that *fall grading* has started as of today (October 11th), that Jonathan Discoe will conduct snow plowing for this winter season, and that Tom Edder, who currently plows driveways, has agreed to cover for Discoe in emergency situations.

Action: Joe will contact Guy regarding alerting Jonathan to the need for emergency snow plowing.

- b. *Landlocked property access:*

(i) Tim reported that he had met with Mark Casterdale, county attorney, regarding unplatted/unrecorded lots in Elk Meadows, and advised the board of the October 25th BOCC meeting to approve the development as it stands, designate/name easement(s) such that all properties have access and addresses. David M noted that this action cleans up what was not done in 1973 and 1976 by allowing a formal vote to accept to leave Elk Meadows alone. He added that this is at no cost to EMHOA.

(ii) Rick Greene submitted the lowest bid (approximately \$8,000 from Dozzer Dan) for creating access to properties 3, 6, 8, 9, 12, as requested at the August board meeting, the majority of the cost being in transporting and distributing the gravel. Providing such access will happen as monies allow, and include other landlocked properties as needed.

Action: Mike C will get a third bid.

- c. Closure of Alpine Lane: Gail asked whether such an action must be passed by the county. Peter stated that since Alpine Lane is not a platted road, rather a 40-foot easement, half of which is on the adjacent property owner's property, the county is not interested. Tim added that the county is merely concerned that we follow Colorado regulations regarding subdivisions and access to properties.

Bob offered a concern that Alpine Lane be closed "properly" from the point of view of emergency access and erosion control.

4. Conservation: Peter reported as follows:

- a. Weed mitigation is complete for the year; and that we should be prepared to invite homeowner help for next year's initiative, also adding that Pestaway should be contracted for next year to cover a greater area that covered this year.
- b. Regarding the bark beetle project, Walt volunteered to maintain the records, including lists, forms and documentation, but that we need to have full-time support on the ground for actual implementation (contacting the forester, ordering and delivery of product, installation orchestration, etc).
- c. Diane T reported on SAD (sudden aspen decline) disease: She reported that she has sent a picture for our web page to promote awareness and educate the membership, and urged that people recognize the urgency of the situation.

5. Renters:

Rick G reported that he will be reaching out to homeowners who rent their properties for feedback on their experience.

Action: Rick will bring the renter guidelines that he includes in renter letters for board review at the November meeting.

6. Governance:

Walt reported that the third draft of the association's documents is anticipated during the upcoming week. This third draft will be submitted to the board for input/update, after which the documents will be shared with the community at large.

7. Solar Project: David Mullings reported as follows:

- a. Thus far we have drawn \$35,832.50 on the loan, including the preliminary engineering report, a hydrology report (to ensure that the project does not interfere with our water system), loan fee, fence moving expense, San Miguel Power refund reservation (refundable), electric permit, and half of the cost of Anassazi Solar to place their order. So we are on track...
- b. The solar panels arrived two weeks ago. Construction is proceeding with the panel racks due next week. The excavation contractor is scheduled to start work next week.

8. Communication:

No update. An update from Tim B on fire fighter commitment (per item F below) will be forwarded to Pam dePena for the website.

E. Special issues for discussion

1. Sprentall dispute:

(i) *Bob read a statement* from the Sprentalls as attached.

(ii) *Walt A asked to be allowed to respond.* He opined that most issues listed in Bob's statement have been asked and answered, and settled with the dispute; that the Sprentalls have received a letter from the association's lawyer asking for more specifics regarding their issues but the board has not seen a response to same; that their issue or concern with implementation of CCIOA is valid and is being answered with the Governing Documents committee work right now; and that all else has been addressed once, by way of the settlement or by communication. He concluded by stating that, from his point of view, the Sprentalls owe the board information.

Bob responded that they provided the specifics to David Graf yesterday (October 10th) and are now looking to move forward. He added that the issues raised have nothing to do with the settlement, that they are trying to look positively to work with the board and the attorney, and that they want to hear from the board directly. He stated that the basics are there (by way of section 117 of CCIOA) and that all that need to be done is to implement according to same. Walt stated that the governing documents review is underway and will provide the foundation for effective management.

The board asked for clarification on the issues, but they both responded that such had already been submitted and has now been given to David Graf...

(ii) *Sprentall's final request was for stopping the "name calling, harassment, defamation of character, and making them look like the bad guys".* However, they didn't want to share names. As Walt pointed out, one can't do anything with heresy.

In answer to Bob's question as to how the board wants to proceed, Joe stated that the board will meet in Executive session to make that decision.

(iii) *Peter asked to respond*, and raised the issues of (a) harassment and who the harassing and contentious party really is; by way of example asking why they could not just supply the asked-for detail on their issues, (b) how much attention they, the Sprentalls have garnered over the months (over other homeowners) for the road and water bars by their house, and (c) truths versus untruths (pointing to their issues of access to their property and harassment by the board). He added that, having sat in a number of recent board meetings, he has seen no harassment towards them, but a lot of time and financial resources – and stress - spent by the board to work things out. He opined that it is they who have perpetuated the problems, and, in suing the association, they are suing him – as well as themselves; and that the empty board seat is related. He concluded by stating that we need community development, cooperation, and volunteer effort (not just saying, but showing up).

(iv) *In conclusion, Joe stated that the board has every intention of meeting every reasonable request; that it is trying to proceed correctly (and thus) through a lawyer; and will meet in Executive Session to decide how to proceed, and get back to the Sprentalls with an answer via David Graf.*

2. Fences:

Motion to agree that: (1) fences are community property; (2) it is the policy of this board to maintain a budget line item for fence repair with the intent of repairing fences as necessary; (3) fences are a dynamic issues such that Elk Meadows will continue to work with neighboring landowners to maintain the community fences, keeping those fences in a good state of repair: David M; seconded: Joe Lange; motion passed.

The above motion clarifies the position of the board. Helen stated her perception of fences and fence law.

F. Items from A3 above, or other

Fire fighter commitment to Ridgway Fire Department: Tim B informed the board that the original commitment to the department was for 5 members of the EMHOA community to join the department in order to keep the fire truck up here. The department owns the building in Elk Meadows and will probably keep the truck up here for this winter since they do not have a place to keep it in town, in spite of not having the required number of Elk Meadows participants. Such a commitment to the department entails 38 hours/year plus a monthly 4 hour training (at the fire house) and a monthly meeting – and of course attendance at fires as possible.

Action: Members of the community are encouraged to apply.

G. Executive Session

The board went into executive session per paragraph 5, sections c (Review of or discussion relating to any written or oral communication from legal counsel).

Coming out of Executive Session, the board decision was for Joe to confirm with David Graf that he, David, should continue to represent the Elk Meadows board in communication with the Sprentalls towards successful identification and resolution of their issues.

H. Adjourn

1. Items for next month's meeting:
 - a. 2017 budget approved for submission to Summit HOA Services to advice.
 - b. Renter guidelines review.
2. The next meeting is scheduled for November 15, 2016 at 6:30 pm at the the Lange residence (30 Forest Hill Rd).

Respectfully submitted: Maggie Guscott, Acting Secretary

Attachment

Statement to Elk Meadows Board of Directors
October 11, 2016

When we moved to our home in Elk Meadows in late 2011 we encountered an issue with the access to our home. Ongoing attempts to remedy the situation prompted arguments, which surfaced the greater issue that Elk Meadows did not have proper governing documents in place, nor were they operating in accordance with CCIOA. The situation grew out of control when we expended unspeakable amounts of our time, money, and stress in order to ensure that the situation which greeted us would never happen again.

Since 2011 the interactions between us and the Board of Directors has become contentious beyond repair. Following mediation in 2014 it was our goal to continue to place Elk Meadows back onto the proper management track for the good of the community. Our continued efforts are refused and met with harassment and defamation of our character.

It is our position that the engagement of an attorney to respond to our recent dispute filing violates the policy which Elk Meadows seems insistent to enforce. As in the past, the Elk Meadows Board of Directors refuses to respond to our issues. We have had a conversation with David Graff, the attorney who is conducting the first phase of document revisions regarding the current status of our community. He agrees that we have valid concerns regarding the implementation of policies to send the management of Elk Meadows in the proper direction. At this time we welcome any statement from the Board of Directors regarding their intentions to resolve the issues we have once again raised regarding the future of our community.

In conclusion, our final request is that the Elk Meadows Board of Directors stop the harassment and character defamation. That is not the proper course of action for a governing body.

Bob and Gail Sprentall