

**APPROVED**  
9-15-2020

 **BATTLEMENT MESA**  
**Service Association**

**BATTLEMENT MESA SERVICE ASSOCIATION**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**  
August 18, 2020

**Present:**

Laurel Koning	President, Battlement Creek Village
Amy Provstgaard	Vice President, Tamarisk Village
John Shepherd	Sec/Treasurer, Canyon View Village by Proxy
Dianna Arnett	Director, Tamarisk Village by Proxy
Al Reuter	Director, Eagle's Point
Brad Gates	Director, Fairways
John Keller	Director, The Reserve
Penny Roehm	Director, Valley View Village by Proxy
Bob Arrington	Director, Willow Creek Village
Robert Cizik	Director, Mesa Ridge Townhomes by Proxy
Samuel Stewart	Director, Monument Village

**Absent Board Members:**

Eric Schmela	Declarant, Battlement Mesa Partners
Dale Johnson	Director, Princeton Management Properties
Robert Gross	Director, RHP Properties
Justin Caselman	Director, Stone Ridge Village

**Also Present:**

Vinnie Tomasulo	Assistant Association Manager
Sherry Loschke	Administrative Assistant

**COMMUNITY MEMBERS PRESENT:** Richard Buchan from Willow Creek Ct, and Bonnie Smeltzer of Cayon View were two community members present.

**OWNERS OPEN FORUM-**Bonnie Smeltzer requested that a community meeting be held to review and discuss the annexation of Battlement Mesa Company property into the Town of Parachute and how it will affect the Battlement Mesa community.

Richard Buchan stated he does not understand what is happening in relation to the annexation of Battlement Mesa property. He listened to the Town of Parachute Planning Commission meeting, held on August 13, 2020, and felt it was a sham. He believes the annexation and rezoning will have a negative impact on Battlement Mesa's property values. He recommended the BMSA attorney review the proposed annexation as the community needs to defend itself. Director Arrington stated the BMSA attorney should review the annexation issue to see how the Battlement Mesa community might defend themselves. He further stated that the decision by the Parachute Planning Commission to approve the zoning of the property to be annexed was all predetermined.

**CALL TO ORDER-** President Koning called the meeting to order at 9:13 a.m.

**DISCLOSURE OF CONFLICT-** None

**QUORUM -** A quorum was established for the regular meeting.

**KIRBY WYNN-GARFIELD COUNTY OIL & GAS LIAISON-** No report

**July 17, 2020 REGULAR MEETING MINUTES-** Director Arrington made the motion to approve the minutes of the regular meeting, Director Reuter seconded, the motion passed unanimously.

**FINANCIAL REPORTS-** There was discussion about the Allowance for Doubtful Accounts and how the board needs an explanation. Director Arrington made the motion to accept the financials for July 31, 2020 Director Stewart seconded. The motion passed unanimously subject to audit.

## **COMMITTEE REPORTS**

**Finance Committee-** See attached written report

**Architectural Committee-** It was noted that there were 4 formal requests for architectural approval, it was also noted that the activity doesn't show on the report if it was approved or not. Mr. Vinnie Tomasulo will make sure to have that included on the next report.

**Covenant Control Committee-** See attached written reports

**Oil & Gas Committee-** Nothing New To Report

**Associated Governments of Northwest Colorado-** The AGNC are conducting meetings again and the Director Provstgaard won't be able to attend that meeting but will go to the next.

**EAB-** July Meeting was cancelled because of Coronavirus.

**Manager Report-** None

**DECLARANT REPORT-** None

**NEW BUSINESS-** None

**UNRESOLVED/WORKING ITEMS-** None

**OTHER BUSINESS** – The Board of Directors discussed the proposed annexation of properties owned by Battlement Mesa Company into the Town of Parachute and whether there was anything that could be done. President Koning explained there was nothing the BMSA can do to prevent it. She noted that the John Lyons property was annexed into Parachute a couple years ago and it has had no impact on the Battlement Mesa community. Director Arrington stated that years ago there was a verbal agreement with Battlement Mesa Company that the open space that is part of the proposed annexation would be deeded to the BMSA. He also expressed his concern that the sewer lines and other utilities located within the lands could be affected by the Annexation. Assistant Manager Vinnie Tomasulo explained the annexation would have no impact on sewer lines or other utilities as they are protected by recorded easement which will remain in effect whether the property is annexed or not. Mr. Tomasulo also explained that discussions are continuing with Battlement Mesa Company to deed the open space lands to the BMSA which will take some time. Director Keller wanted to know what the purpose of the annexation was, and is it economically driven. President Koning commented that we can only speculate about the motivation for the annexation but the BMSA has no control over it. The discussion with Battlement Mesa Company to received ownership the open space should continue and it will take some time. Director Arrington stated that for over 20 years the BMSA has been maintaining portions of the open space property and should have the BMSA attorney review the legal authority to claim these lands based upon “adverse possession”. President Koning asked the board members to participate in a straw poll vote by the raising of hands, as to whether the Board felt the BMSA attorney should be asked to pursue the matter. The vote of the board majority was not to have the attorney pursue the matter. President Koning expressed her understanding that the residents of Battlement Mesa are concerned and upset about the proposed annexation but the BMSA has no authority to do anything about it. Bonnie Smeltzer expressed her appreciation to the Board for the work they do.

**ADJOURNMENT-** Director Keller made the motion to adjourn and was seconded by Director Provstgaard. It passed unanimously. The meeting adjourned at 10:25 am.