

**BATTLEMENT MESA SERVICE ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS
January 16, 2007 Minutes**

PRESENT:	Chuck Hall	President
	Ron Schelling	Secretary/Treasurer
	Lynn Shore	Director
	Jay Haygood	Director
	Gordon Elliott	Director
	Ray Barbour	Director

Also Present:	Jane Chapman	Association Manager
----------------------	--------------	---------------------

Absent:	John Shepherd	Vice President
	Eric Schmela	Director
	Frank Oakley	Director
	Sue Lancaster	Director

The **meeting** was called to order at 10:01am by Chuck Hall, President.

APPROVAL OF MINUTES

Two corrections were noted for the December 19, 2006 minutes: 1) Within the second motion regarding 68 Cedar Circle, it should read "A motion was duly made..." and regarding the Trails Committee report, it should read "Chuck Hall has discussed with Dave Devanney...". A **motion** was duly made by Ray Barbour and seconded by Ron Schelling to approve the December 19, 2006 Board of Directors Meeting minutes as presented. **Passed.** Unanimous.

MANAGERS REPORT

Jane Chapman submitted a written report.

Ray Barbour reported a personal courier charges \$35.00 plus mileage to serve papers for Small Claims Court. Mrs. Clo Barbour is willing to perform this service for \$35.00 and no reimbursement for mileage. Ray Barbour disclosed a conflict of interest as Clo Barbour is his wife. A **motion** was duly made by Lynn Shore and seconded by Jay Haygood for Mrs. Barbour to serve as courier for the same cost as a court courier and noted the conflict of interest disclosure was recognized. **Passed.** Ray Barbour abstained.

There is a one year statute of limitations for compelling a homeowner to comply with the covenants. As this time frame has passed for the covenant violations at 12 West Tamarack, the Association now has the option of foreclosing on the property. A **motion** was duly made by Lynn Shore and seconded by Ray Barbour to authorize Commonwealth Title to perform an owner and encumbrances search on 12 West Tamarack Circle and provide the results to Jane Chapman to include on the February Board meeting agenda for possible foreclosure action.

Passed. Unanimous.

Brian Thaxton, 37 Hackberry Lane, has not brought his account up to date. A date is set for Small Claims Court.

Financial Report: The credit for street light electricity in December was due to the refund issued by Holy Cross. A **motion** was duly made by Jay Haygood and seconded by Lynn Shore to approve the December 2006 financial statements as presented, subject to audit. **Passed.** Unanimous.

OLD BUSINESS

Changes in Architectural Standards: The proposed changes in the architectural standards have been tabled with the exception of the Inspector's Fee. A **motion** was duly made by Ray Barbour and seconded by Ron Schelling to implement a \$500.00 Inspector's Fee to cover the review time for on-site inspections of new construction effective February 1, 2007. **Passed.** Unanimous.

Gordon Elliott expressed his approval of the changes within 5.03, Variance Application.

Recycle Dumpster: Gordon Elliott has received no response from Waste Management despite numerous attempts to meet with Waste Management regarding better management of the recycle bin. Gordon Elliott will continue to make inquiries.

Lease Information: A process is in place for requesting and recording lease information.

NEW BUSINESS

Landscape Contract: Bruce Baker, Baker & Associates, requested a new three-year contract with the Service Association to begin April 1, 2008 and continue through October 31, 2010. This new contract would provide Bruce Baker evidence of continued employment to secure loans for new equipment, to stabilize his work force and to assure a potential partner of long-term employment. Gordon Elliott apologized to Bruce Baker for the publication of the yearly landscape review in "The Sun".

Child Care Home – 382 Mineral Springs Circle: Tammy Hottenberger, 382 Mineral Springs Circle, addressed the Board regarding her application to operate a child care home. As the current Child Care Home Resolution restricts the number of child care homes within a village to 1% of the village's homes, Tamarisk Meadows is currently allowed to have only one child care home operating. As the need for licensed child care homes has grown within the community, Ray Barbour will review the Child Care Home Resolution and make a recommendation to the Board at the next meeting. Jane Chapman will write Tammy Hottenberger to inform her the Board is reviewing the Resolution.

HindmanSanchez Retainer Fee: A **motion** duly made by Gordon Elliott and seconded by Lynn Shore to approve the new monthly retainer fee of \$200 as proposed by HindmanSanchez. **Passed.** Unanimous.

Sales Tax Status: Ron Schelling questioned whether the Association is qualified to operate as a tax-exempt entity. Jane Chapman will research the issue and file the necessary forms, if the Association qualifies for tax-exempt status.

Architectural Deficiency Notices: Ron Schelling requested a copy of any Architectural Committee letter mailed to an owner in his village. Following discussion, the Board decided each village delegate should receive a copy of the architectural and covenant notices mailed to owners within his/her respective village.

Fines Related to 56 West Bonanza Place: Chuck Hall has met with Bill Culpepper of Juliet Jawaja, LLC regarding the purchase of 56 West Bonanza Place. Bill Culpepper has requested the fines assessed the property be reduced or waived. Jane Chapman will consult with the Association's attorney on the possible implications of reducing/waiving the fines. A **motion** was duly made by Gordon Elliott and seconded by Jay Haygood for a letter to Bill Culpepper offering to tentatively waive the covenant fines if the property is brought up to standard. The letter will also state Bill Culpepper will only be responsible for the assessments, fines associated with those assessments and the legal fees on the account if Mr. Culpepper acquires the property; however, if the original owner retains possession of the property, there will be no reductions or waivers of any fines. **Passed.** Unanimous.

OTHER BUSINESS

None.

COMMITTEE REPORTS

Covenant Protection Committee: Dan Locker submitted a written report. The owner of 27 Snowberry Place has come into compliance. Mike Tyler, 133 Cliff View Circle, requests a hearing before the Board related to the notice Mr. Tyler received about parking on gravel. Gordon Elliott suggested a meeting with Sheriff Lou Vallario to discuss parking, ATV and animal control concerns within the community. Chuck Hall will meet with Dan Locker and the Covenant Protection Committee to discuss the role of the representatives.

Architectural Committee: Sue Lancaster submitted a written report.

Oil & Gas Committee: No report.

Roads Committee: Frank Lancaster reported Garfield County has not recorded their expenditures for Battlement Mesa as a separate line item so the budget research will take longer. The signs regarding jake brakes are at the Garfield County Shop, but no plans have been relayed to Frank Lancaster regarding the double-left turn sign at the new Kum-n-Go.

Landscape Committee: An update from ColorScape of Colorado on the village entrance project was included within the Board packet.

Wildfire Restoration Project: No invoice has been submitted yet.

Community Accent Committee: No report.

Trails Committee: Dave Devanney submitted a written report. Mr. Devanney has been in contact with the architect doing the site plan for the new middle school. An article will be placed in "The Sun" seeking community involvement in the trails project.

ACTION ITEMS

John Shepherd submitted a written report.

Item 79 – Street Sweeper: Funds for two sweepings in 2007 will be built into the budget. Gordon Elliott and Jane Chapman have met to discuss a completion check-off list for the street sweeping. Gordon Elliott met with Bob Jaspar. Bob Jaspar stated CMD would be interested in working with the Association to purchase a street sweeper. Energy Impact Grants are available to local communities to deal with the impacts from the gas and oil industries. Bob Jaspar will relay the Association's interest to the CMD Board.

Chuck Hall reminded the Board of the Budget Workshop scheduled for Friday, January 19, 2007 at 9:00am at the Activity Center.

A **motion** was duly made by Lynn Shore and seconded by Jay Haygood to move into Executive Session at 12:18pm to discuss Baker & Associates' landscape contract. **Passed.** Unanimous. A **motion** was duly made by Lynn Shore and seconded by Jay Haygood to move out of Executive Session at 12:28pm. **Passed.** Unanimous.

Landscape Contract: A **motion** was duly made by Gordon Elliott and seconded by Ray Barbour to grant Baker & Associates a three-year extension beyond 2007 with a maximum per year escalation cost of 3%. **Passed.** Unanimous.

With no further business to come before the Board, the meeting was adjourned at 12:29pm.