

**BATTLEMENT MESA SERVICE ASSOCIATION  
MEETING OF THE BOARD OF DIRECTORS  
March 17, 2009 Minutes**

<b>PRESENT:</b>	Chuck Hall	President
	Sara McCurdy	Vice President
	Ron Schelling	Secretary/Treasurer
	Adam Ford	Director
	Dan Cohen	Director
	Jay Haygood	Director
	John Shepherd	Director
	Ray Barbour	Director

<b>Also Present:</b>	Jane Chapman	Association Manager
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<b>Absent:</b>	Eric Schmela	Director
	Frank Oakley	Director
	Gordon Elliott	Director
	Mike Stiers	Director

The **meeting** was called to order at 10:02 am by Chuck Hall, President.

Chuck Hall welcomed Adam Ford to the Board of Directors. Mr. Ford was elected as the new Tamarisk Village delegate at the Special Meeting of the Members on March 12, 2009.

### **APPROVAL OF MINUTES**

A **motion** was duly made by Jay Haygood and seconded by Ray Barbour to approve the February 17, 2009 minutes as amended to strike the last line of the first paragraph on the third page. **Passed.** Unanimous.

### **COMMITTEE REPORTS**

**Covenant Protection Committee:** Keith Lammey provided the Board with a summary report of the year-to-date non-compliance letters sent. A total of 172 violations have been reported, with 42 of those reported in February. Jane Chapman provided a written report of violations within the Battlement Mesa Company rentals. Monument Creek Village had the most violations. There were questions about the sizes of trucks that are allowed to be parked within the

Villages. Chuck Hall said that emergency vehicles can be parked, but otherwise large commercial-type trucks cannot be parked. A truck is considered an “emergency” vehicle if the driver of the truck is on call and required by their company to store the truck at home. If the person is required by their work to keep the vehicle, he or she must provide documentation to the Association. This information is part of the 6<sup>th</sup> Amendment to the Covenants. Kim Greeson of 13 Pinetree Place attended the meeting. She received a second notice of non-compliance due to her trash bin and wanted clarification about the rules of trash placement. She stated that her bin had been out for cleaning purposes and that she understood the purpose of the rules for keeping trash bins out of view. A **motion** was duly made by John Shepherd and seconded by Ray Barbour to waive the \$50.00 fine Ms. Greeson received but if the trash bin is observed again, she will receive a 3<sup>rd</sup> notice of violation and a \$75.00 fine. **Passed.** Ron Schelling opposed.

**Architectural Committee:** Keith Sheppelman reported. A landscape plan was finally received from G. Construction for 665 Battlement Creek Trail. There was a question about the placement of the shed at 128 Talon Trail. The placement was approved by the Architectural Committee.

**Oil & Gas Committee:** No report given. John Shepherd would like a report/update on what’s going on with the Oil & Gas in the area. Chuck Hall will talk to Bill Nelson about getting that information.

**Roads Committee:** No report given. Frank Lancaster will speak to the county about the sprinkler heads that were destroyed by plowing. Ray Barbour mentioned that the Parkways, particularly North Battlement Parkway are very heavy with gravel and has not been swept. The Association is working on an agreement to have Consolidated Metropolitan District sweep the roads 3 times per year.

**Landscape Committee:** No report given. Jay Haygood said that Consolidated Metropolitan District has removed sod in the park in Tamarisk Meadows. It looks like they are working on an existing manhole. Mr. Haygood wanted to know when the sod will be replaced.

**Wildfire Restoration Project:** No report given.

**Trails Committee:** No report given. There will be a workshop held at 10:00 am on the 16<sup>th</sup> of April at the Battlement Mesa Company offices. The purpose of the workshop is to discuss the proposed easement on the Lyons property for the Library trail.

**Associated Governments of Northwest Colorado:** No report given.

**Audit Committee:** No report given. Audit proposals were received.

## MANAGERS REPORT

Jane Chapman submitted a written report. The judgment to award the Association full legal fees in the 22 Cedar Circle trial was completed. Jane Chapman has a call in to the lawyer about collecting the money. The Association can move forward with a foreclosure on the property or proceed with standard collection practices. Jane Chapman will ask the lawyer about collecting interest on the amount owed. Now that Ray Barbour is back in town, the small claims process will restart.

**Financial Report:** A **motion** was duly made by Ray Barbour and seconded by Jay Haygood to approve the February 2009 financials as presented, subject to audit. **Passed.** Unanimous. Ron Schelling made the point that street poles can be classified as inventory (asset) rather than expense in the financials. Mr. Schelling asked Jane Chapman to create a new inventory account for the street poles and do a journal entry to move them out of expense. When a street pole is used the cost of the street pole, which is \$2,000.00, will be moved to expense. Jane Chapman will check into collections on the amount owed by the Rebels for 12 Rosewood Way. A new lien will go on the property against Litton Bank, the current owner of 12 Rosewood. Craig Chance of 81 Talon Trail will be added to the small claims court list. The suggestion that an automatic lien process for when a delinquent account reaches a certain dollar amount was brought to the table. Chuck Hall suggested that the amount should be \$1000.00 or more. A **motion** was duly made by Ray Barbour and seconded by Sara McCurdy to automatically file a lien any time delinquency charges exceed \$1000.00. Any filing/release charges will be charged to the account. Liens will be removed once charges are paid. **Passed.** Unanimous.

## Correspondence

The Grants of 107 Eagle Ridge Drive were sent a letter telling them that they had been charged for the legal fees resulting from the Covenant Violation Notice that was recorded with Garfield County. Chuck Hall thinks that the Service Association should pay for the legal costs of putting the notice together, since the Association will use the template again, and the Grants should only pay the filing fee. A **motion** was duly made by Sara McCurdy and seconded by Jay Haygood to rescind the \$150.00 legal fee charged to the Grants and to notify them by mail about the change. **Passed.** Unanimous.

A letter was received from Richard Gilbert of 71 Bristlecone Court requesting a refund of a non-compliance fine. Keith Lammey recommended that the fine not be waived. A letter will be sent to Mr. Gilbert to notify him that the fine will remain on his ledger.

## **OLD BUSINESS**

### **Street Light Poles**

Chuck Hall spoke with Eric Schmela about purchasing the remainder of the street light poles that Battlement Mesa Company has in stock for the scrap fee for each pole plus a little more. Mr. Schmela is going to get a total cost put together for the Service Association to review. The total would come from the \$20,000 already committed, plus any additional charges if the price goes over. Battlement Mesa Company will store the poles at no charge. However, storage cannot be guaranteed.

### **Clements-98 Cedar Circle**

Mr. Clements had brought a drainage issue in his back yard to the attention of the Board of Directors. Chuck Hall and Consolidated Metropolitan District President Bill Nelson and Manager Steve Rippey went out to look at the fence and the issues that seemed to be going on, but could not find any evidence of drainage issues. CMD confirmed that the storm drains were not in any way causing drainage issues. Also, a gate was put into the Service Association's fence without permission.

## **NEW BUSINESS**

### **Audit Proposals**

Audit proposals were requested from Dalby Wendland and McMahan and Associates for the current fiscal year as well as for the 9 month timeframe between the transition period. McMahan also provided a tax return proposal. The Audit Committee unanimously recommended that the Board accept the McMahan proposal. McMahan currently does the Consolidated Metropolitan District's audit so it would facilitate the transition. A **motion** was duly made by Ray Barbour and seconded by Adam Ford to accept the McMahan audit proposal as presented. **Passed.** Unanimous.

### **Sunlight Bus Request for Parking**

The bus driver for the Sunlight bus was fined by Battlement Mesa Company for parking the bus at her rental home, so they have been parking it at the Kum & Go. Since the Kum & Go falls under the Battlement Mesa Service Association area, they asked permission to park the bus there. Since the season is currently over, the Board of Directors will revisit this issue when next season starts. A **motion** was duly made by John Shepherd and seconded by Ray Barbour to recommend that Battlement Mesa Company rescind the fine to the bus driver and allow the bus to park as-is until the matter is revisited next season. **Passed.** Unanimous.

### **114 East Bonanza RV Request**

A letter was received from the Whiteleys at 114 East Bonanza Place about a mold problem that was being repaired in their home. They asked permission to live in an RV outside of their home until March 16<sup>th</sup>, 2009, when they believed the work would be done. Chuck Hall sent them a response letter allowing them to stay in the RV outside of their home until March 21, 2009.

## **OTHER BUSINESS**

### **Tamarisk Village Special Meeting**

Tamarisk Village is in arrears on front lawn irrigation and an additional service assessment is needed. At the meeting, the members agreed to add the expense to their 3<sup>rd</sup> quarter 2009 assessments. Adam Ford was elected as the new Village Delegate. He will be working with a committee to decide what to do about the front lawn irrigation issues. The homeowners felt that the lawn maintenance has not been good. Jane Chapman will speak with the contractor about the issues before work starts this year.

### **Stone Ridge Entrance**

Ron Schelling would like the Board to reconsider the proposal from Colorscape for the Stone Ridge entrance as he feels that it would be of benefit to the whole community. He spoke with Consolidated Metropolitan District and they agreed to drop the cost of the water tap from \$6500.00 to \$2800.00. Mr. Schelling also asked CMD to consider making the tap free since the landscaping would be a public improvement. Alternatively, Battlement Mesa Company has pre-paid taps that they could donate to the Service Association. Dan Cohen said he would take the idea into consideration. There were still concerns about the expense of water once the landscaping is in. Chuck Hall requested a new proposal that would reduce the use of turf grass to bring the continuing irrigation costs down.

### **Newspaper Items**

Jay Haygood would still like to find a way to get Service Association business into the paper. Mr. Haygood will put something together for Chuck Hall to review to see if the Association can get something ongoing into the paper.

### **Architectural Standards**

Sara McCurdy is working on changes to the Architectural Standards as there are some conflicts with section 8.6 of the covenants. She is also working on the satellite dish information.

## **ACTION ITEMS**

The action item list was passed out to the Board members.

With no further business to come before the Board, the meeting was adjourned at 12:20 pm.