

**BATTLEMENT MESA SERVICE ASSOCIATION  
MEETING OF THE BOARD OF DIRECTORS  
MAY 18, 2010**

<b>Present:</b>	Keith Lammey	President
	Sara McCurdy	Vice President
	Jay Haygood	Director
	Bob Arrington	Director
	Keith Sheppelman	Director
	Jeff Hill	Director
	Frank Oakley	Director
	Gordon Elliott	Director
	Jonathon Lay	Director
	John Shepherd	Director
<b>Excused Absence:</b>	Eric Schmela	Director
	Mike Stiers	Director
<b>Also Present:</b>	Steve Rippy	Association Manager
	Sandy Yeager	Accounting Manager
	Amie Martin	Administrative Assistant
	Eric Short	Baker & Associates

**Community Member Present:**  
Dave Devanney

**OWNERS OPEN FORUM**

Director Arrington stated that Bob Prendergast has volunteered to serve on the finance committee.

**CALL TO ORDER**

Director Lammey called the meeting to order at 10:00 am.

## **APPROVAL OF MINUTES**

A motion was made by Director Haygood and seconded by Director McCurdy to approve the April 20, 2010 minutes with some corrections; the motion carried unanimously.

A motion was made by Director Haygood and seconded by Director Hill to approve the April 27, 2010 special meeting minutes with some corrections; the motion carried unanimously.

## **FINANCIAL REPORTS**

A motion was made by Director Hill and seconded by Director Shepherd to approve the April 2010 financials as presented, subject to audit. The motion carried unanimously.

Director Lammey asked, since Garfield County is going to pay for the entire library trail, can funds in the Trails account be used for other projects? Director Elliott stated that the Trails fund reserves are pledged toward existing trails for maintenance, repair or replacement and that he did not think any of the funds were set aside for the Library Trail. Director Shepherd stated that Colorado Statutes require a capital replacement study be completed every two years to identify necessary reserves. Director Lammey asked the management company to begin the process of checking our reserves.

Director Elliott asked if the management company could supply a summary report of the financials along with the detailed version? Director Lammey explained that with his sub-association financials he comments on any significant budget variances. Ms. Yeager stated she would work on a summary to the financials for the next Board meeting.

## **COMMITTEE REPORTS**

**Audit Committee:** Ms. Yeager explained that the audit has been postponed to June 1, 2010 because Jane Chapman was out of town for last weeks scheduled audit. Ms. Yeager is sending information to the auditor electronically.

**Covenant Protection Committee:** Director Lammey explained that at this time of year residents are beginning to get their recreational vehicles ready for the summer. Director Elliott stated that the 72 hours time limit that someone could have their recreational vehicle in their driveway is not enough time to get equipment ready for the summer or put away for the season. Director Elliott stated that residents could request an extension, up to 5 days total. The Board asked the management company to include a flyer in their next billing that states residents can request an extension of the 72 hour deadline, not to exceed 5 days.

**Architectural Committee:** Director Sheppelman stated that there is an increase of requests for landscaping, fences, painting, etc, but there are no new requests for new construction.

**Oil & Gas Committee:** Director Elliott stated that he was impressed how well Jon Black from Antero debated the letter from Larry Soderberg at the last Oil & Gas meeting. Director Arrington stated that he felt that Mr. Black did not deal with the safety issue with the pipelines that will be running through the area of the apartments. Director Haygood asked when Antero would be submitting the permits to Garfield County? Mr. Devanney stated that he did not know when that would be happening.

**Roads Committee:** Director Lammey stated that the parkway should be mowed. Mr. Rippey stated that he and Eric Short with Baker & Associates have discussed the issue and are working on a schedule. Director Haygood explained that the rule is to mow them by June 1<sup>st</sup> and then when the weeds are 6” or higher. Director Hill asked who is responsible to clean up the area along the golf course and trail? There are still remnants of a dead deer and a lot of tumble weeds. Director Elliott stated that he would check into the area. Director Haygood stated that the Bea Underwood Elementary School is over run with dandelions. A letter may need to be sent to the schools.

**Landscape Committee:** Director Lammey reported that Eric Short with Baker & Associates cleaned weeds, debris and brush from the circle area of the big park and the area looked much better. Director Lammey informed the Board that now you

can see the safety issues. We may need to take a bobcat into the area to flatten the dirt areas. Director Elliott stated that we budgeted \$350,000 a year for landscaping, how much of that is being spent on the parks? Mr. Short stated that probably most of the budget. Director Elliott stated that the parks are not BMSA's property; they are Battlement Mesa Partner's property. Why are we spending assessments on an area we don't own? Director Elliott stated there needs to be an agreement with BMP that states that we will help them take care of the parks. Director Lammey stated that in conversations that he has had with Director Schmela, he feels that BMP is willing to transfer ownership of the parks to BMSA. Director Lammey stated that we do need to explore the options. Director Elliott stated that the Board needs to move forward quickly to either get the title to the property or to negotiate a fare share agreement with BMP. With the park not being our property BMSA should not be going in there to make changes. Director Lammey stated that we could get a waiver from BMP to do some safety cleanup in the park; and in the mean time I would like to see Baker & Associates go ahead and level the mounds of dirt.

**Trails Committee:** Dave Devanney stated that he and Mr. Rippy met to review the final plans of the library trail. He stated that we need to get either the ROW or easement in place with the Lyons family as soon as possible. Mr. Devanney stated that BMSA is a member of the Big Country Resource and Conservation District. We received a \$350 grant from them that is being held. Mr. Devanney stated that maybe we should use them for other projects. Director Elliott commented that the BMSA has options now for help with grants and that we are not really receiving any assistance from Big Country Resources. Therefore, he cannot see any benefit to continue providing funds to their organization.

**Joint Advisory Committee:** Director Elliott stated that the JAC committee is an action committee. The object of the committee is to look for ways to resolve problems that may be coming into our community. Director Elliott went on to explain that the JAC has been very productive. We now have a community street sweeper, a better working relationship with BMMD, Town of Parachute and Garfield County along with many other things. Director Elliott stated the JAC is a committee that is in need of a new task if it is to continue. Should the committee

be asked to revisit incorporation, something else or should it continue at all? Director McCurdy stated that Garfield County might help fund a new incorporation study. Director Arrington stated that we need to do some research on annexation with Town of Parachute along with incorporation. Director Haygood stated that when the initial study was done in 1995, Battlement Mesa did not have enough of a tax base to support incorporation. Does Battlement Mesa have enough of a tax base now? Director Lammey stated that he was at a meeting with Mike Sampson, Ed Green and others; he gave a copy of the 1995 study to Ed Green. In conversations he has had with Mike Sampson, Garfield County would like Battlement Mesa to incorporate. Director Lammey stated that he would like this research to be done by the planning committee.

**Associated Governments of Northwest Colorado:** Director Haygood stated that he attended that last meeting on May 13, 2010 in Craig, CO. He has not yet received minutes or an update on the legislation since that meeting. The next meeting is scheduled for July with a location not yet set.

#### **MANAGER'S REPORT**

Mr. Rippy stated that the fence repairs were completed in all areas of the PUD during the last week of April. High winds damaged sections of the fence along Monument Creek Trail and they have been repaired. Mr. Rippy explained that 18 pickets were damaged by vandalism on May 1<sup>st</sup> or 2<sup>nd</sup>. Those pickets were replaced.

Mr. Rippy explained that two Battlement Mesa logo signs have been replaced on the stone entry markers to the Reserve. Mr. Rippy stated that some of the stones have fallen off the sign. Do we repair the stones? Director Elliott stated that he understood that BMP was going to repair the sign since it was right on the golf course. Director Lammey stated that we need to make the repairs and then discuss the issue with BMP.

Mr. Rippy explained that White River Tree Service started trimming trees in the two parks in the Tamarisk Village/Meadows area on May 12, 2010. They will also be trimming some of the larger trees around the PUD that have dead limbs. Mr. Rippy stated that the Board would see more line items added into the budget. He would like to be able to better track of items, such as tree trimming, in the budget.

Mr. Rippy explained that he spoke to Dennis Graham of Garfield County about street sign replacement in Battlement Mesa. He indicated that delivery of the signs was behind schedule and that sign replacement was going to be delayed until June 1, 2010. Director Haygood stated that the jake brake sign on Stone Quarry Road by the satellite dishes is gone. Can the County enforce jake brake mufflers? He also stated that the truck route sign by the waterfall has not been installed. Director Elliott stated that BMSA has talked to Garfield County about problem signs, why is nothing being done? Mr. Rippy explained that he is confident the County will get them done. Mr. Rippy explained that we have budgeted \$7,000 for street signs and we will probably use all of it. There are a lot of street signs that need to be replaced.

Mr. Rippy informed the Board that the boundaries map and the parks and open space map have been completed. The Board asked Mr. Rippy to get all Directors copies of the new BMSA boundary and parks and open space maps.

Mr. Rippy explained that he has increased the pickup of the recycle dumpster from every other week to a weekly basis.

Mr. Rippy stated that the flags were hung at the golf course on Friday, May 14, 2010.

Mr. Rippy explained that he met with John & Jody Lyons. They are both extremely supportive of the library trail. Director Elliott asked Mr. Rippy if anyone from the trails committee is involved in the conversations with Garfield County? Mr. Rippy explained that most of the communications are with Dave Devanney through email. Mr. Devanney stated that the final trail design includes concrete sidewalks by the bridge and asphalt trails. Mr. Devanney feels that the concrete trails would be better.

#### **DEVELOPER REPORT**

No report given.

#### **OLD BUSINESS**

**Committee Appointments:** Mr. Rippy handed out a report that showed which committee each Director would like to be assigned to. The following BMSA

Board members were appointed to the following committees. The Architectural/Covenant Committee Directors are Bob Arrington and Sara McCurdy, Planning Committee Directors are Eric Schmela and Gordon Elliott, Public Works Committee Directors are Keith Sheppelman and Jeff Hill, Public & Community Relations Directors are Keith Lammey and Jay Haygood, Parks/Open Space/Trails Committee Directors are Jeff Hill and Jonathon Lay, Finance Committee Director is John Shepherd, and the Oil & Gas Committee Director is Jay Haygood.

## **NEW BUSINESS**

**Antero Impact Funds:** Director Elliott sent out an email to all the Directors with a possible motion. Director Lammey handed out another motion where he rewrote the language of Director Elliott's motion. The motion is: The BMSA expects to receive \$875,000 from Antero Resources for use on projects the Battlement Mesa Community deems value adding. While the BMSA Board has the responsibility and authority to make the final decision on how this \$875,000, and other funds will be spent, in order to make good expenditure decisions, the BMSA Board must understand the wants and needs of the BMSA Members. Prior to committing to spend the aforementioned \$875,000, the BMSA will solicit Member input regarding how these funds should be spent, and will use this input to develop a priority needs list to determine how to invest these funds in the Battlement Mesa Community in a manner that will provide the maximum benefit to our Members. Director Haygood stated that the motion should say prior to committing to spend any portion of \$875,000. Director Shepherd moved and Director Hill 2<sup>nd</sup> the following motion. The BMSA expects to receive \$875,000 from Antero Resources for use on projects the Battlement Mesa Community deems value adding. While the BMSA Board has the responsibility and authority to make the final decision on how this \$875,000, and other funds will be spent, in order to make good expenditure decisions, the BMSA Board must understand the wants and needs of the BMSA Members. Prior to committing to spend any portion of the \$875,000, the BMSA will solicit Member input regarding how these funds should be spent, and will use this input to develop a priority needs list to determine how to invest these funds in the Battlement Mesa Community in a manner that will provide the maximum benefit to our Members. The motion carried unanimously.

Director Elliott stated that it is important that we take quick action. He will write a plan for the Board to consider at the next Board meeting.

Director Shepherd stated that legal advisors stated we need to have a written agreement with Antero Resources to accept the \$875,000. Director Shepherd stated that our CPA stated we would have to pay taxes on any money received. The taxes would probably run about 20%. Director Shepherd will speak to another CPA to discuss options. After some discussion the Board decided to defer the Antero Agreement until next meeting. Director Shepherd stated that the agreement needs to happen before there will be any tax issues.

**Day care at 174 Mineral Springs Circle:** Director Shepherd moved and Director Hill seconded the motion to approve the day care at the above address on a one-year probationary period, with proof of insurance and a copy of the license. The motion carried. Director Haygood abstained.

## **ADJOURN**

A motion was made and carried to adjourn the meeting at 1:30 pm.