

**BATTLEMENT MESA SERVICE ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS
June 16, 2009 Minutes**

PRESENT:	Chuck Hall	President
	Sara McCurdy	Vice President
	Ron Schelling	Secretary/Treasurer
	Adam Ford	Director
	Dan Cohen	Director
	Eric Schmela	Director
	Frank Oakley	Director
	Gordon Elliott	Director
	Jay Haygood	Director
	Keith Lammey	Director
	Mike Stiers	Director

Also Present: Courtney Steinsiek Association Admin Assistant

Absent: John Shepherd Director

The **meeting** was called to order at 10:11 am by Chuck Hall, President.

APPROVAL OF MINUTES

A **motion** was duly made by Adam Ford and seconded by Keith Lammey to approve the May 19, 2009 minutes as amended to strike Adam Ford from the “present” list. **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 525 violations have been reported, with 123 of those reported in May. A written report of violations within the Battlement Mesa Company rentals was provided as well. Gordon Elliott mentioned that someone in Battlement Creek Village is backing a boat into their garage and leaving the garage door open because it doesn't fit. Keith Lammey said that he was working on sending the home owner a notice of non-compliance.

Architectural Committee: Written reports were provided. Two hearings are scheduled for after the Board meeting. A volunteer is still needed to join the

Committee. Joanne Mayo and Susan Brier were present at the meeting and volunteered to join the Committee.

Oil & Gas Committee: No report given.

Roads Committee: Frank Lancaster provided a written report. The chip seal repair of county roads within Battlement Mesa will begin by the end of the month.

Landscape Committee: Eric Short of Baker and Associates noted that vandalism has started up again. Benches have been vandalized, large junk items have been left in fields, gang signs have been painted on the sidewalks, and trees were torn out of the ground. Some of the trees were saved and replanted. Gordon Elliott and Eric Short did their first ride-around of the community. The next is schedule for July 27. Gordon encouraged the Board to review their village landscape needs and bring to the committee's attention. Gordon would like the Landscape Committee to come up with ways to improve the appearance of the community without increasing maintenance time or expense.

Trails Committee: Dave DeVaney reported. Dave is waiting on the details of the Lyons easement. The Committee has made specific recommendations with cost estimates in order to use the allotted trails budget. The Committee will continue to work with Cindy George of Colorado Big Country to gain grants for the trails.

Joint Advisory Committee: The Committee is working on modifications to the Consolidated Metro District management contract and putting together an implementation plan. The Committee also had a productive meeting with the town of Parachute about the way the two communities could work together on matters such as street sweeping, parks and recreation, etc. Dialogue between Battlement Mesa Service Association, Consolidated Metro District, and the Town of Parachute is improving.

Wildfire Restoration Project: No report given.

Associated Governments of Northwest Colorado: No report given.

Audit Committee: No report given.

MANAGERS REPORT

Jane Chapman submitted a written report.

Financial Report: A **motion** was duly made by Ron Schelling and seconded by Adam Ford to approve the 2008/09 fiscal year-end financials as presented, subject to audit. **Passed.** Unanimous. A **motion** was duly made by Ron Schelling and seconded by Adam Ford to approve the April 2009 financials as presented, subject to audit. **Passed.** Unanimous. A **motion** was duly made by Sara McCurdy and seconded by Keith Lammey to approve the May 2009 financials as presented, subject to audit. **Passed.** Unanimous.

Small Claims: The owner of 665 Battlement Creek Trail has made arrangements with the Architectural Committee to attend their next meeting and provide landscape items requested.

No recommendations were made for small claims.

OLD BUSINESS

Resolution for Collection Officer

The draft resolution was received from HindmanSanchez. Ray Barbour was listed throughout the document as the Collection Officer, but it was decided that it would be better for the resolution to simply create the position and leave fulfillment of the position to a vote of the Board of Directors. A **motion** was duly made by Jay Haygood and seconded by Keith Lammey to approve the Resolution for Collection Officer as amended to remove all references to Ray Barbour or any specific individual named as the Officer. **Passed.** Unanimous.

Management Lien Authorization

A **motion** was duly made by Eric Schmela and seconded by Keith Lammey to authorize the Battlement Mesa Service Association Manager to place and remove liens as identified by the Board of Directors. **Passed.** Unanimous.

Lyons Easement Agreement

A **motion** was duly made by Adam Ford and seconded by Keith Lammey to accept the Lyons easement agreement, subject to the addition of exhibits A and B. **Passed.** Unanimous.

NEW BUSINESS

Antero Drilling in the PUD

Representatives from Antero attended the meeting to answer questions about drilling within the PUD. Antero will be starting their drilling in the area on a pad outside of the PUD. The Comprehensive Drilling Plan (CDP) was discussed. The representatives from Antero stated that the CDP was voluntary and that it was done to show the cumulative impact on the community. Antero will put together a CDP for the BMSA PUD. A major land use impact review will be required, which included hearings and a public comment period prior to Garfield County issuing permits. Meetings were held on June 12 and June 15 for the CDP initiation by Antero with the Colorado Oil and Gas Conversation Commission.

The Battlement Mesa Service Association has an Oil & Gas Committee and would like the community to funnel comments and issues through the Committee. Antero has some flexibility with the drilling pace in the area. The current market

affects the pace of drilling at any given time. Antero is also working to understand what the wildlife issues in the area are in order to find ways to mitigate those issues. They are also willing to consider seasonal drilling since there is less environmental impact during the winter. Jay Haygood had questions about whether or not their fracking was “green” and asked them to provide documentation on their fracking practices. Gordon Elliott noted that the CDP has not been provided to the Board of Directors. The Antero representative stated that the CDP is still in progress. Mike Stiers asked if the pad that they are starting which is not in the PUD will reduce drilling within the PUD and the Antero representative stated that it will not. Gordon Elliott asked if baseline water quality levels were being established and was told that a baseline survey is being initiated. A motion was made by Jay Haygood to task the Oil and Gas Committee with finding out if the Battlement Mesa Service Association can stop or delay Antero’s drilling within the PUD. The motion was not seconded. Chuck Hall agreed that the Oil and Gas Committee needed to be tasked to work with Antero. Mike Stiers said that the Board of Directors needs more information in order to decide what direction they will take in the matter. Ron Schelling suggested that the Board consult legal council to see what the Service Association’s duties are in this situation. Adam Ford said that the Board should obtain council specific to Oil and Gas about the Association’s rights and possible avenues to protect BMSA interests. A motion was duly made by Mike Stiers and seconded by Keith Lammey to immediately seek assistance of an Oil and Gas attorney and task the Oil and Gas Committee to take point with the various agencies involved with the project and report back to educate the Board of Directors so that the Board can take a position in the matter. Passed. Jay Haygood abstained. Ray Barbour remarked that an expert is needed on the Oil and Gas Committee.

Tamarisk Village Sign

The Tamarisk Village sign was recently knocked down by a vehicle. The posts and sign were rotted and not able to be repaired from the pieces left. Adam Ford requested that the sign be replaced with a new design, further back from the curb. Chuck said that the funds for replacement could come from the landscaping reserve. Eric Schmela would like any damaged signs to be replaced with an updated design as needed, which would have continuity throughout the community. Eric will contact the designer he has used in the past about a new design for the signs.

Tamarisk Village Lawn Clocks

Seven lawn clocks within Tamarisk Village need to be replaced. The cost would be approximately \$115-\$150 per clock. There is a pending adjustment to the Tamarisk Village irrigation budget that should create additional funds of

\$1000.00. A **motion** was duly made by Adam Ford and seconded by Sara McCurdy to spend up to \$1000.00 to replace sprinkler clocks within Tamarisk Village. Any overages must be authorized by the Board. **Passed.** Unanimous.

Wildfire Restoration

The use of the remaining Wildfire Restoration funds will be discussed at a later meeting.

Roadside Mowing

A proposal is pending from Dan Locker at Battlement Mesa Company for roadside mowing. The matter will be discussed at the next meeting.

Request for Emergency Access

The request for emergency access proposed by High Mesa Partners was outlined and discussed. Mike Stiers, as well as many other Board members, requested a more thorough presentation to better understand where and why Service Association property will need to be crossed. A workshop was set for Tuesday, June 23rd at 9am, to be held at the Activity Center.

Park Bench Painting Bid

A **motion** was duly made by Mike Stiers and seconded by Sara McCurdy to approve the bid proposal from Parkway Services to repaint the Service Association's 52 benches. **Passed.** Unanimous.

Street Sweeping Contracts

Garfield County: Garfield County won't start street sweeping until contract is received. A **motion** was duly made by Adam Ford and seconded by Keith Lammey to sign the Garfield County Street Sweeping contract as written, for two sweeps at unspecified times. The 1st sweeping will should occur in early summer and the 2nd should occur at the end of summer. **Passed.** Unanimous.

Consolidated Metro District: The contract is for \$18,000 per year for 3 sweepings, with the times specified in the contract. Sweeping in the intersections will be added to the contract. A second sweeping for the sub-associations will also be included in the contract as money for sweeping comes from Encana to mitigate gas field impact on the entire community. Steve Rippy of CMD will add language to the contract for the 2nd sweeping within the sub-associations. A **motion** was duly made by Gordon Elliott and seconded by Ron Schelling to approve the Consolidated Metro street sweeping contract as modified by discussion. **Passed.** Unanimous.

With no further business to come before the Board, the meeting was adjourned at 12:50 pm.