

**BATTLEMENT MESA SERVICE ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS
July 21, 2009 Minutes**

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

Also Present: Jane Chapman Association Manager

Absent: Adam Ford Director

The **meeting** was called to order at 10:08 am by Chuck Hall, President.

APPROVAL OF MINUTES

A **motion** was duly made by Gordon Elliot and seconded by John Shepherd to approve the June 16, 2009 minutes as amended to make corrections to the Antero Drilling comments under "New Business." **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 605 violations have been reported, with 80 of those reported in June. A written report of violations within the Battlement Mesa Company rentals was provided as well. The Association needs to have guidelines for mowing vacant lots in Battlement Creek Village and the Reserve. Keith Lammey will put together a proposal.

Architectural Committee: Written reports were provided. Sara McCurdy reported. The owner of 665 Battlement Creek Trail has contracted with a landscaper to do the work in July, 2009. The Committee sent a written request to add Joanne Mayo to the Architectural Committee. A **motion** was duly made by

Mike Stiers and seconded by John Shepherd to approve Joanne Mayo as a member of the Architectural Committee. **Passed.** Unanimous.

Oil & Gas Committee: Bill Nelson presented a written report. Gordon Elliott commended Bill Nelson and the O&G Committee on providing such a thorough report. He also appreciated the revised mission statement from the Committee and would like to see it published. Bill had also provided a list of Committee members. It was asked if the list contained people that have expertise to deal with drilling. Bill replied that all the members have already been involved. Mac McCurdy is a geologist, Don Mumma is on the Energy Advisory Board and the rest have helped to maintain good relations with the various Oil & Gas entities by reviewing issues and going on tours. Bill was asked what the Committee position is on the drilling. He stated that they have not taken an official position because they are acting as directed by the Board of Directors. The Committee is not opposed to drilling but would prefer that it not be in Battlement Mesa. It was asked if any thought was given to expanding the membership of the Committee to other community members. Bill Nelson replied that the community has ample opportunity to voice their comments and that all meetings are open to the public. Jay Haygood asked how many down wells will be in and out of the PUD. It is unknown at this time as the plan is not completed. Bill Nelson will send summaries of all meetings via email to whoever is interested. Chuck Hall gave information about retaining an oil & gas attorney. Ron Schelling would like a 2-3 person committee to review the 2 or 3 attorneys. A **motion** was duly made by Gordon Elliott and seconded by John Shepherd to form a committee consisting of Chuck Hall, Ron Schelling, and Bill Nelson to investigate law firm options for oil & gas. The committee will report back to the Board of Directors with their recommendations for the August, 2009 BOD meeting. **Passed.** Keith Lammey opposed.

Roads Committee: Frank Lancaster provided a written report. Steve Rippy reported that a 12" water drain ruptured on North Battlement Parkway. The line is being repaired and the road will be graveled through the summer with paving to be done in the fall.

Landscape Committee: Gordon Elliott reported. There will be a community ride-around on July 27, 2009 at 1:00 pm. The Delegates are asked to give input.

Trails Committee: The addition to the path on Spencer Parkway is complete. The Committee is waiting on the County to get exhibits for the Lyons easement agreement.

Joint Advisory Committee: Gordon Elliott provided a written report. A meeting will be held August 13, 2009 at 6:30 pm to get the word out to the community about the changes taking place.

Wildfire Restoration Project: No report given.

Associated Governments of Northwest Colorado: No report given. A meeting will be held July 21, 2009.

Audit Committee: No report given.

MANAGERS REPORT

Jane Chapman submitted a written report. There were some concerns with the landscape watering. Gordon Elliott will speak with Eric Short of Baker and Associates regarding the issue. A breakdown of the money in the Architectural Escrow bank account is needed.

Financial Report: A **motion** was duly made by John Shepherd and seconded by Jay Haygood to approve the June 2009 financials as presented, subject to audit. **Passed.** Unanimous.

Small Claims: The Board of Directors is not sure if Ray Barbour will continue to process small claims.

The homeowners of 177 Eagle Ridge Drive and 23 East Tamarack Circle were identified for small claims court.

OLD BUSINESS

Drilling Activities in the PUD

This matter was discussed during the Oil & Gas Committee report and is documented above.

Street Sweeping

A modified contract was signed with Consolidated Metro District for street sweeping. A **motion** was duly made by Mike Stiers and seconded by Keith Lammey to increase the contract cost from \$18,000.00 to \$18,400.00. **Passed.** Unanimous. The Board is still waiting on exhibits for the Garfield County street sweeping contract. Gordon Elliott will contact Matt Anderson at the County.

Tamarisk Village Sign

Eric Schmela has talked with the design people but does not have anything back yet.

22 Eagle Ridge Drive Court Action

The Battlement Mesa Service Association will pursue court action to fill the foundation at 22 Eagle Ridge Drive.

Emergency Access Request

The emergency access request that was submitted at the last Board of Directors meeting was withdrawn.

NEW BUSINESS

Approve Funding for Open Space Mowing

Chuck Hall pre-approved the roadside and median mowing. A **motion** was duly made by Ron Schelling and seconded by John Shepherd to approve the \$4,500.00 for the roadside and median mowing work done by Baker & Associates. **Passed.** Unanimous.

Childcare Home at 35 Mesa Vista Place

Melissa Bradley of 35 Mesa Vista Place was present at the meeting. She stated that the fencing needed, which was approved by the Architectural Committee earlier this summer, is almost complete and that State Farm insurance would be added once she receives her license. Her license information has been submitted. Once she is licensed, there will be a State site visit to her home. There were concerns from neighbors about children being injured by golf balls coming in off of the course. Mrs. Bradley stated that if someone is concerned, they do not need to have their children there. Mrs. Bradley would have up to six total children under the age of five. As she is a teacher, she would like to have teacher's children in her home. One Childcare Home is allowed in the Reserve. Of the letters that came in from neighbors, most of the objections were based on the safety of the children. There were concerns about errant golf balls and children climbing over the split-rail fence. Mrs. Bradley said she would always be outside with the children to supervise them. Marty Wisdom provided statistics on head injuries near golf courses. Three letters from neighbors were received in opposition to the childcare home. A **motion** was duly made by Sara McCurdy and seconded by Keith Lammey to accept the day care center pending State licensing approval. **Passed.** Jay Haygood and John Shepherd opposed.

Proposal for Big Park Bridge Repair

The proposal needs start and completion dates and the cost of materials. A **motion** was duly made by John Shepherd and seconded by Gordon Elliott to approve the repair proposal, not to exceed a cost of \$1000.00. The bridge must be structurally sound and receipts of the materials must be provided. **Passed.** Unanimous.

Memorandum of Understanding

Ron Schelling provided a Memorandum of Understanding between Consolidated Metro and Battlement Mesa Service Association. It states that the Association Manager provided by CMD will report to the Service Association for the first year. This Memorandum changes the contract with CMD, therefore the contract will be re-written.

615 Ponderosa Circle

The Board of Directors does not want to redeem the property at 615 Ponderosa Circle. The property will be added to the hearing list for August in order to decide what to do about the assessments, fines, and legal fees still owed to the Association.

Intra-Community Communications

Jay Haygood wants to establish and maintain communications on the Service Association website. Each Committee should have its own page. Chuck Hall will talk to Roger Hicks, who maintains the website.

City Market

The City Market is leaving because City Market and Battlement Mesa Company could not come to agreeable terms. The time of the new Clark's Market opening will depend on the condition of the building. They are hoping to open within six to eight weeks. Battlement Mesa Company and Clark's are providing two shuttle vans to run to Walmart in Rifle. The vans will run from 8:00 to 3:00, Monday through Friday, running on the half hour. Sara McCurdy also mentioned the "adopt a neighbor" group that is assisting in bringing people to the Rifle City Market. Mary Lee Mohrlang is organizing the program.

A workshop on the drilling will be held July 28, 2009 at 9:00 am. Gordon will put together a preliminary position statement on the Oil/Gas drilling in the PUD.

With no further business to come before the Board, the meeting was adjourned at 1:15 pm.