

**BATTLEMENT MESA SERVICE ASSOCIATION
MEETING OF THE BOARD OF DIRECTORS
September 15, 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: Jane Chapman Association Manager

Absent: John Shepherd Director

The **meeting** was called to order at 10:07 am by Chuck Hall, President.

OPEN FORUM

Sandy Hotard and Dasa Bryan from Williams attended the meeting to talk about their operations within the PUD. Williams is currently in the process of putting together their Major Impact Review. Ms. Hotard and Ms. Bryan offered to come to any community group meetings or to anybody's home in order to answer questions that the community might have about their operations. They stated that they want to be proactive in providing information and to help clear up any misunderstandings. In October, they will be sending certified letters out to the community to make everyone aware of public hearing dates as well as other information about their operations.

APPROVAL OF MINUTES

A **motion** was duly made by Jay Haygood and seconded by Ron Schelling to approve the August 18, 2009 minutes as amended. **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 862 violations have been reported, with 82 of those reported in August. A written report of violations within the Battlement Mesa Company rentals was provided as well. The majority of violations were trash carts and vehicle parking. Mr. Lammey requested that he be allowed to modify the non-compliance letter templates in order to make the letters more clear and effective. A **motion** was duly made by Sara McCurdy and seconded by Mike Stiers to allow Keith Lammey to make modifications to the non-compliance letters as he sees fit.

Passed. Unanimous.

Architectural Committee: Minutes from the September 2, 2009 meeting were submitted. Due to the progress being made on the property at 22 Eagle Ridge Drive, a hearing will be set in October to discuss the fines that have been accruing. A letter was received from the Grand Valley High School Booster Club requesting that participants in school activities be allowed to post small signs in their yards to show their participation. The signs would be purchased by the students as a fund raiser. The Committee determined that the signs do not fit in with the covenants and as a covenant issue, will need to be considered by the Board of Directors. Mike Stiers volunteered to take an action and speak with the Booster Club on the matter.

Oil & Gas Committee: Bill Nelson provided minutes from the meeting held September 2, 2009. The next meeting with Antero will be held September 16, 2009 at 6:30 pm at the Activity Center. It was mentioned that the security on the current pad site seems low and the issue would be brought up at the next meeting.

Roads Committee: A letter needs to go to Garfield County regarding the wooden signs posts. Steve Rippey should be copied. Gordon Elliott received an email from Sandy Getter about the "no access" sign that she placed at the entrance to the Reserve. The sign was removed. Garfield County has been sent requests since 2007 that a sign be put up there to keep large trucks from entering and getting stuck within the cul-de-sacs, but no action has been taken. Gordon Elliott recommended that a letter be sent to Marvin Stevens of Garfield County Road and Bridge from the Board of Directors to remind him of the situation. Frank Oakley said that at his village's annual meeting, the members requested more "no parking during snow" signs within Monument Creek Village.

Landscape Committee: Gordon Elliott reported. Pressure regulation is still needed in the medians. Budgeting needs to be figured out for improvements and a reserve needs to be built up. Eric Short has been working on the landscape budgeting numbers. A budget meeting for the Landscape Committee needs to be set. Board members should provide input to the Committee.

Trails Committee: A Garfield County surveyor is working on the Library Trail.

Joint Advisory Committee: A Joint Advisory Committee implementation meeting is scheduled in October with the City of Parachute. The purpose is to continue to establish a good working relationship with Parachute. Joint cooperation on the trail system and ways to assist each other with equipment sharing will be covered at that meeting. Board members should let Gordon Elliott know if there are any other agenda items for the meeting. Ron Schelling's term as delegate of Stone Ridge Village is ending at their annual meeting this year. It was requested that Ron be allowed to continue to participate on the Committee. Ron will be available until December 31, 2009, after which someone from the Board of Directors will need to be approved to take his place.

Wildfire Restoration Project: No report given.

Associated Governments of Northwest Colorado: It costs the Service Association \$1500.00 per year to be a member of the AGNC. Chuck Hall recommended that the membership be continued. Gordon Elliott said that BMSA's presence is important and that it should be considered a cost of doing business. Keith Lamme agreed that visibility is important. The cost needs to be added to the coming budget.

Audit Committee: Ron Schelling reported that the auditors have finished their field work. Proposed adjustments will be provided to Ron and Jane Chapman.

MANAGERS REPORT

Jane Chapman submitted a written report. Letters were sent to all homeowners with account balances over \$500.00 to notify them that their accounts would be turned over to the Association attorneys. The Reserve sign needs to be repainted at a minimum. Another option would be to replace the wooden letters with plastic letters that would not need to be repainted. Mike Stiers recommended that the more cost-effective solution over time should be chosen.

Financial Report: Ron Schelling pointed out that the trash collection assessment is overbudget. This was due to the accounts that were accelerated for non-payment which were ultimately collected. They do not show as pre-paid assessments. Although the water line item was overbudget for a time, the water budget is balancing out of the final couple months of the season. The Wildfire Restoration account needs to be closed out. Jane Chapman is waiting on Dan Skinner to see about the final seeding. If the money is not going to be used, it needs to be returned, as it was grant money. Gordon Elliott suggested that the money needs to be used somehow, if not necessarily on seed. The light pole purchase from Battlement Mesa Company needs to be finalized and paid in full. A **motion** was duly made by Jay Haygood and seconded by Sara McCurdy to approve the August 2009 financials as presented, subject to audit. **Passed.** Unanimous.

A donation request was received from the Chamber of Commerce for a fireworks display. The Association has not contributed in the past, but the Association is a member and has a responsibility to participate. Discussion is needed to choose a representative from the Board of Directors to attend the Chamber meetings. A **motion** was duly made by Jay Haygood and seconded by Sara McCurdy to contribute \$1000.00 to the cost of the fireworks. **Passed.** Unanimous. The item will need to be added to the 2010 budget as well.

A letter was received from HindmanSanchez regarding 615 Ponderosa Circle. It will not be cost effective to continue to pursue the money owed. The bank that now owns the property needs to be made aware of the requirement to maintain the property until it sells.

OLD BUSINESS

Home Business Zoning

A **motion** was duly made by Sara McCurdy and seconded by Ron Schelling that the Board of Directors is not interested in pursuing the PUD zone text change to allow home businesses at this time. **Passed.** Mike Stiers abstained. Gordon Elliott observed that the child care home that was approved in the Reserve has a trampoline in the back yard, which has been moved outside of the approved fencing. He was concerned that the children being cared for could be hurt on the trampoline. It was noted that the State does not allow the use of trampolines by the children under care in a licensed home, unless there are sufficient adult spotters on hand. As the child care provider would have to pass a State inspection, it makes sense that the trampoline was moved outside of the fence to keep the children from using it.

Fire Department Donation

A **motion** was duly made by Gordon Elliott and seconded by Jay Haygood to increase the value of the gift to the Fire Station to \$300.00. **Passed.** Unanimous.

Position Statement

A **motion** was duly made by Keith Lammey and seconded by Mike Stiers to approve the following position statement:

The Battlement Mesa Service Association (BMSA) Board of Directors intends to consider all options that are available to the community and take appropriate action to minimize the impact to the health, safety and welfare of the BMSA Members for Gas and Oil drilling and its associated activities in the BMSA Planned Unit Development. The BMSA Board of Directors will continue to provide support and assistance to the Oil and Gas Committee in the furtherance of accomplishing our Position.

Passed. Unanimous. The position will be posted on the Association website. Mike Stiers suggested that the statement be presented at the Village annual meetings coming up.

Attorney for Oil and Gas Issues

A **motion** was duly made by Adam Ford and seconded by Jay Haygood to retain Goldman, Robbins, and Nicholson P.C. with a deposit of \$2,500.00, with the total retainer not to exceed \$7,500.00. **Passed.** Unanimous.

CMD Management Contract Price

A **motion** was duly made by Adam Ford and seconded by Sara McCurdy to approve the Management Contract funding as presented on pages 8 and 9 of the Management Contract. **Passed.** Unanimous.

NEW BUSINESS

Assessment Billing-Quarterly vs. Monthly

In order to change from quarterly to monthly billing, the assessment resolution would have to be changed. In light of this, Consolidated Metro District decided in favor of keeping the quarterly cycle.

Golf Cart Underpass

Although there is cosmetic damage to the underpass, no significant structural problem was found. Eric Short has made adjustments to the watering, and water flow is no longer seen. Gordon Elliott said that rebar shows. Eric Schmela will have cosmetic repairs done.

Fairway Villas Landscaping

Jeff Hill and Eric Schmela, representing the Fairway Villas Homeowner's Association, requested that the Master Association consider taking over maintenance of the grass area that borders the Village along West Battlement Parkway. The request was made because the FVHOA feels that the sub-association assessments are prohibitive in developing the Village. The trade-off suggested would be that the homeowners in the Fairways would pay a full common assessment rather than the half that they pay now. The undeveloped lots would be assessed a half assessment rather than the current quarter assessment. In order to accomplish this, the covenants would have to be changed. Mike Stiers asked if the land would be deeded to the Service Association. Eric Schmela said that it would be logical for that to happen. Gordon Elliott asked how much money is being spent to maintain areas that have not been deeded to the Association. The plat map can be reviewed to answer that question. Consolidated Metro District is working on a master map that will address these issues. A committee needs to be put together. Keith Lammey,

Eric Schmela, Steve Rippy, and Jay Haygood will comprise the committee and report back to the Board of Directors. The Board of Directors will get back to the FVHOA after the covenants have been reviewed by the committee.

OTHER BUSINESS

Baker & Associates Contract

A request was submitted by Eric Short of Baker & Associates to extend the current landscaping contract for three additional years. The contract price for 2010 would remain at the 2009 rate. In addition, under the contract, the annual price will not exceed 4%. Following the executive session held to discuss the matter, a **motion** was duly made by Keith Lammey and seconded by Adam Ford to extend the current contract with Baker & Associates, which expires March 31, 2010 for 33 months to end December 31, 2013. As part of the extension, the 4% increase will be waived for 2010 with a maximum increase of 4% per year through the remainder of the contract. **Passed.** Unanimous.

Eric Schmela thanked Chuck Hall for his years of service and effort to the Battlement Mesa Service Association.

With no further business to come before the Board, the meeting was adjourned at 12:45 pm.