

**BATLEMENT MESA SERVICE ASSOCIATION  
MEETING OF THE BOARD OF DIRECTORS  
December 20, 2005 Minutes**

<b>PRESENT:</b>	Chuck Hall	President
	John Shepherd	Vice President
	Sue Lancaster	Secretary/Treasurer
	Jay Haygood	Director
	Frank Oakley	Director
	Frances Rose	Director
	Gordon Elliott	Director

**Also Present:** Jane Chapman Association Manager

<b>Absent:</b>	Bob Houska	Director
	Tom Beard	Director
	Charlie Farr	Director

The **meeting** was called to order at 10:04am by Chuck Hall, President.

#### **APPROVAL OF MINUTES**

A **motion** was duly made by Sue Lancaster and seconded by Frances Rose to approve the November 15, 2005 Board of Directors Meeting minutes as presented. **Passed.** Unanimous. A **motion** was duly made by Frances Rose and seconded by Sue Lancaster to approve the November 22, 2005 Special Meeting of the Board of Directors minutes as presented. **Passed.** Unanimous. A **motion** was duly made by Frances Rose and seconded by Sue Lancaster to approve the November 22, 2005 Hearing minutes as presented. **Passed.** Unanimous.

#### **MANAGERS REPORT**

Jane Chapman presented a written report. \*Copies of the recent audit are available for review by any interested parties. \*A sign-up sheet for the Covenant Protection Committee meeting was handed out. \*Noting the street light electricity figures, Jay Haygood inquired whether a plan was in place to restrict street lights and, if so, which lights could be turned off to conserve funds if the need arose. \*A reserve transfer from the Tamarisk Village Contingency Fund will offset some of the overages on the irrigation water line item.

**Financial Report:** A **motion** was duly made by Frances Rose and seconded by Sue Lancaster to accept the November 2005 financial statements as presented subject to audit. **Passed.** Unanimous.

#### **OLD BUSINESS**

**Flags on the Golf Course:** Gordon Elliott reviewed the costs involved in the project. A **motion** was

duly made by John Shepherd and seconded by Sue Lancaster to authorize Gordon Elliott to spend up to \$2,000.00 for the lighting equipment, hardware and installation of the solar lights to illuminate the American flag. An unveiling ceremony was recommended by Gordon Elliott.

**Light Pole on Lodgepole Circle:** Due to the extremely cold weather, the bucket truck has not been able to remove the “clanging” light pole yet. With warmer temperatures in the forecast, the work should be completed in the near future.

## **NEW BUSINESS**

**11 Willowview Way – Landscaping:** Wayne Ostermiller of 11 Willowview Way was present to address the Board. Chuck Hall reviewed the landscaping issues regarding Mr. Ostermiller’s front yard not containing the required percentage of grass. There is also an area next to the curb on the right side of the home that has weeds. Wayne Ostermiller explained his yard contains 75% grass although the front yard does not have the 40% required in the architectural standards. Instead there is an area of cedar chips. Sue Lancaster instructed Mr. Ostermiller to submit an application to the Architectural Committee. In the application, the cedar chip area should be redone with additional green plants or grass. Mr. Ostermiller agreed to the request and to take care of the weeds. A **motion** was duly made by Sue Lancaster and seconded by Frances Rose to suspend the \$10.00 per day fine from this day forward as long as Wayne Ostermiller submits a landscaping application to the Architectural Committee in January. **Passed.** Unanimous.

**Trash Removal Contract:** Mr. Cook of Dependable Waste was present to answer questions from the Board on his bid to provide trash removal service for Battlement Mesa Service Association. Dependable Waste has provided this service for Battlement Mesa Company since 2001.

**Redemption of Property:** Jane Chapman reported two properties are currently in foreclosure. Vance Johnson of Great Western Properties is interested in these properties. The Board of Directors decided to accept Mr. Johnson’s offer on this and future properties in foreclosure.

**Residential Use:** Frank Oakley informed the Board of homes within Battlement Mesa being advertised with rooms for rent. Frank Oakley will chair a committee to look into the situation and any possible problems or legal issues that may arise from this practice. Jay Haygood volunteered to serve on the committee.

**Bike Path:** A previous request for linked bike paths within Battlement Mesa and to Parachute was discussed. Sandra Getter, a previous supporter of the plan, will be contacted. An ad will also be placed in the “The Sun” to inform interested homeowners of the formation of a Bike Path Committee.

### **Architectural Standards Approval:**

- **1.10 a through g:** A **motion** was duly made by Frances Rose and seconded by Sue Lancaster to approve Architectural Standard 1.10 - a through g. **Passed.** Unanimous.
- **2.03:** This standard was approved at the Special Meeting of the Board of Directors November 22, 2005.
- **3.06 a and 3.06 - b:** A **motion** was duly made by Frances Rose and seconded by John Shepherd to approve Architectural Standards 3.06 (a) and 3.06 (b). **Passed.** Unanimous.
- **3.10:** A **motion** was duly made by Sue Lancaster and seconded by Jay Haygood to approve Architectural Standard 3.10. **Passed.** Unanimous.
- **9.01:** A **motion** was duly made by Sue Lancaster and seconded by John Shepherd to approve Architectural Standard 9.01. **Passed.** Unanimous.

### **Rules and Regulations:**

- **Maintenance of Property, (b):** A **motion** was duly made by Jay Haygood and seconded by Sue Lancaster to approve Section b of Maintenance of Property with the wording of “so the height of the vegetation does not exceed six (6) inches. Mowing may be required several times throughout the season”. **Passed.** Unanimous.
- **Display of Political Signs by BMSA Residents:** A **motion** was duly made by Sue Lancaster and seconded by Frank Oakley to approve Section b of Restrictions on Signs and Advertising Devices. **Passed.** Unanimous.

#### **Resolutions Required by January 1, 2006:**

- **Policies, Procedures, Rules, Regulations, or Guidelines:** A **motion** was duly made by John Shepherd and seconded by Sue Lancaster to approve the Resolution of the Battlement Mesa Service Association Regarding Procedures for Adoption of Policies, Procedures, Rules, Regulations, or Guidelines. **Passed.** Unanimous.
- **Policy & Procedures for Collection of Unpaid Assessments:** A **motion** was duly made by Sue Lancaster and seconded by Jay Haygood to approve the Resolution of the Battlement Mesa Service Association Regarding Policy and Procedures for Collection of Unpaid Assessments. **Passed.** Unanimous.
- **Procedures for the Conduct of Meetings:** A **motion** was duly made by Sue Lancaster and seconded by John Shepherd to approve the Resolution of the Battlement Mesa Service Association Adopting Procedures for the Conduct of Meetings. **Passed.** Unanimous.
- **Policy & Procedures for Inspection and Copying of Association Records:** In Section 2, paragraph b, the hyphen between Colorado and 970 will be changed to a comma. A **motion** was duly made by John Shepherd and seconded by Sue Lancaster to approve the Resolution of the Battlement Mesa Service Association Regarding Policy and Procedure for Inspection and Copying of Association Records with the above mentioned change. **Passed.** Unanimous.
- **Policies & Procedures for Covenant & Rule Enforcement:** In Section 14, the second paragraph will be changed to read, “If an Owner . . . , such Owner may be subject to a fine of \$25.00 to \$100.00 per day, following .... above”. A **motion** was duly made by John Shepherd and seconded by Jay Haygood to approve the Resolution of the Battlement Mesa Service Association Regarding Policies and Procedures for Covenant and Rule Enforcement with the above mentioned change. **Passed.** Unanimous.
- **Policies & Procedures Regarding Board Member Conflicts of Interest:** A **motion** was duly made by Sue Lancaster and seconded by Frank Oakley to approve the Resolution of the Battlement Mesa Service Association Adopting Policies and Procedures Regarding Board Member Conflicts of Interest. **Passed.** Unanimous.
- **Investment of Reserve Fund Policy:** A **motion** was duly made by Sue Lancaster and seconded by John Shepherd to approve the Resolution of the Battlement Mesa Service Association Regarding Investment of Reserve Policy. **Passed.** Unanimous.
- **Alternative Dispute Resolution:** A **motion** was duly made by Sue Lancaster and seconded by Jay Haygood to approve the Resolution of the Battlement Mesa Service Association Regarding Alternative Dispute Resolution (ADR). **Passed.** Unanimous.
- **Tree Policy Resolution:** Within the current tree policy, the committee name was changed to Landscape Committee and within the current tree listing, Russian Olive was dropped and River Birch was added. A **motion** was duly made by John Shepherd and seconded by Frank Oakley

to approve the changes to the Resolution of the Battlement Mesa Service Association Regarding Policy and Procedures Governing Tree Care and Maintenance. **Passed.** Unanimous.

- **Antenna & Satellite Dish Installation Restrictions:** A **motion** was duly made by Sue Lancaster and seconded by Gordon Elliott to approve the Resolution of the Battlement Mesa Service Association Regarding Policy and Procedures for Antenna and Satellite Dish Installation Restrictions. **Passed.** Unanimous.
- **Outdoor Lighting:** A **motion** was duly made by Sue Lancaster and seconded by Gordon Elliott to approve the Resolution of the Battlement Mesa Service Association Adopting Policies and Procedures Regarding Outdoor Lighting. **Passed.** Unanimous.
- **Child Care Home:** A **motion** was duly made by Sue Lancaster and seconded by Gordon Elliott to approve the Resolution of the Battlement Mesa Service Association Adopting Policies and Procedures Regarding Child Care Homes. **Passed.** Unanimous.
- **Ballots and Voting:** A **motion** was duly made by Sue Lancaster and seconded by Gordon Elliott to approve the Resolution of the Battlement Mesa Service Association Adopting Policies and Procedures Regarding Ballots and Voting Procedures. **Passed.** Unanimous.
- **Displaying the American Flag:** A **motion** was duly made by Sue Lancaster and seconded by John Shepherd to approve the Resolution of the Battlement Mesa Service Association Adopting Policies and Procedures Regarding Display of the American Flag. **Passed.** Unanimous.

**Claims Submission:** Jane Chapman handed out information regarding insurance claim submission to the Board. The policy and procedure will be reviewed in January 2006.

## OTHER BUSINESS

**Set 2006 Dates for Board of Directors Meetings:** Jane Chapman handed out a tentative schedule of meeting dates for 2006. The Annual Community Meeting on February 16, 2006 was changed from 7:00pm to 6:30pm to allow an additional half hour for the meeting.

**Set Dates for 2006 Annual Meetings of the Members:** Jane Chapman handed out a tentative schedule of meeting dates for 2006. The meeting time for the Battlement Creek Village and Tamarisk Meadows meetings was changed from 6:00pm to 7:00pm to accommodate working homeowners.

## COMMITTEE REPORTS:

**Covenant Protection Committee:** Dan Locker presented his written report. Due to a rise in animal control issues, the animal control phone number will be added to the website. The Covenant Protection Committee meets the second Tuesday of each month at 10:00am in the Battlement Mesa office. Village representatives are needed for Monument Creek Village and Canyon View.

**Architectural Committee:** Sue Lancaster submitted a written report. Eleanor Nelson was recommended by Sue Lancaster and John Shepherd as an Architectural Committee alternate. A **motion** was duly made by Frances Rose and seconded by Jay Haygood to appoint Eleanor Nelson to the Architectural Committee as an alternate. **Passed.** Unanimous. \*The new owners of 68 Hawthorne Way have asked permission to move/grade a mound of dirt in the vacant lot next to them as it poses drainage problems. A **motion** was duly made by John Shepherd and seconded by Frances Rose to allow the homeowners at 68 Hawthorne Way to move/grade the mound of dirt in the vacant lot next door. **Passed.** Unanimous. \*A **motion** was duly made by Sue Lancaster and seconded by Jay Haygood to approve the changes in the Rules and Regulations regarding satellite dishes and installation. \*Dale Leonard, 71 River View Place, requests permission to use a gravel service road and

a portion of the open space behind his neighbor's house to access Mr. Leonard's back yard during an approved landscaping project. A **motion** was duly made by Frances Rose and seconded by Gordon Elliott to allow Dale Leonard's landscape contractor to use the gravel service road and cross the open space as long as any damage to the area is repaired/reseeded after the project is completed. **Passed.** Unanimous.

**Oil & Gas Committee:** Frances Rose reported the Oil and Gas Committee had been invited to the CMC celebratory dinner honoring Williams Production Co. for Williams' one million dollar donation to CMC. The funds will be used for a technology wing on the new CMC West Garfield Campus.

**Road & Bridge Committee:** John Shepherd submitted a written report. The intersection of Juniper Lane and Ponderosa Circle will be worked on this summer (2006) while the intersection of Queen City Circle and Rainbow Trail is scheduled for the summer of 2007.

**Landscape Committee:** Gordon Elliott reported a map of the open space areas is being developed to aid in determining who is responsible for each area. \*Gordon Elliott inquired about the trash litter contract. Bruce Baker holds the current contract which specifies twelve (12) hours a week for picking up litter throughout the community. Jane Chapman will notify Bruce Baker that improvement is needed in this task.

**Wildfire Restoration Project:** No report.

**Community Accent Committee:** Gordon Elliott reported the webpage is progressing, but further review of the contract has caused a delay. The target date is now mid February 2006.

**Transfer of Common Areas:** While the project is progressing, the process has been slowed while awaiting some information from Garfield County.

## **ACTION ITEMS**

John Shepherd submitted a status report.

The Board of Directors went into Executive Session at 1:25pm to discuss the trash removal contract. The Board of Directors came out of Executive Session at 1:29pm. to hold a covenant noncompliance hearing.

The Board of Directors went into Executive Session at 2:10pm to continue discussing the trash removal contract.

The Board of Directors came out of Executive Session at 2:23pm.

A **motion** was duly made by Frank Oakley and seconded by Frances Rose to accept Dependable Waste's proposal for a one year contract with the standard renewal and termination clauses. **Passed.** The vote was 4 in favor, 1 against – Gordon Elliott and 1 abstained – John Shepherd.

The Board of Directors went into Executive Session at 2:25pm to discuss the landscape contract. The Board of Directors came out of Executive Session at 2:35pm.

A **motion** was duly made by John Shepherd and seconded by Jay Haygood to renew Bruce Baker's landscape contract for \$162,000 for the 2006-07 fiscal year, but to exclude the mowing of the medians. **Passed.** The vote was 5 in favor, 1 abstained – Frances Rose.



A **motion** was duly made by John Shepherd and seconded by Frances Rose to authorize Battlement Mesa Company to mow the medians up to three (3) times through the growing season with the option of additional mowings if needed. **Passed.** Unanimous.

A **motion** was duly made by John Shepherd and seconded by Jay Haygood to solicit bids on the trash litter contract from Bruce Baker, Battlement Mesa Company and Ken and Rosemary Locker. **Passed.** Unanimous.

The Board of Directors went into Executive Session at 2:42pm to discuss the management contract. The Board of Directors came out of Executive Session at 2:56pm.

A **motion** was duly made by John Shepherd and seconded by Frances Rose to accept the proposal from Battlement Mesa Company for continuing the management contract. **Passed.** Unanimous.

**ADJOURN:** With no further business to come before the Board, the meeting was adjourned at 2:58pm.