

ELK FALLSPROPERTY OWNERS ASSOCIATION BOARD MEETING

JANUARY 29, 2009

All board members were present: Suzy Nelson, David Crespo, Ken Flemingloss, Vicki Beacom and Renae Braun.

Also present were Vera and Drayton Dunwody, Carolyn Hartshorn, Sam Shapiro, Bonnie Borkowski and Con Daily.

S. Nelson motioned to begin the meeting at 7:15 PM. V. Beacom seconded. Motion carried.

S. Nelson motioned to approve the board meeting notes from the November 13, 2008 meeting and the January 7, 2009 meeting. V. Beacom seconded. The motion carried.

WESTGATE MAILBOX RENTAL AGREEMENT

D. Crespo – suggested several changes to the mailbox rental agreement. These suggestions were discussed with the owners of the property Vera and Drayton Dunwody.

1. Exclusive to school bus use and mail delivery and pickup.
2. All owners in Blocks 1 and 3 can get mail at that location.
3. Have HOA send letters to all owners receiving mail at the west gate location asking if they are satisfied receiving mail at that location. If they want to move to the east gate, they can. If they have any complaints or problems, they are to contact the EFPOA BOD.
4. Snow removal requirements begin at a minimum of 3”.
5. RE: Road Materials; BOD approval prior to purchase of road materials.
6. Paragraph 2 of #1 – make rental payments due 15 days after yearly contract renewal. All maintenance and snow plowing bills paid 30 days after invoicing.
7. Maintenance and snow plowing rates will be based on current EFPOA contract rates with subdivision vendors. EFPOA will provide current pricing information.

NEWSPAPER BOXES

K. Flemingloss – Ken Flemingloss and Fred Wolf are building metal frames to relocate newspaper boxes to the new west gate mailbox location for free.

D. Crespo –Motioned to have K. Flemingloss write a receipt for no labor or material charges from Fred Wolf to the HOA. V. Beacom seconded. Motion carried.

Board reports for the upcoming newsletter are due by February 5th. The new phone directory, newsletter and dues invoices won't be ready by February 14th. S. Nelson will ask Vicky and Steve Sparer or Mary Cash to help with the newsletter. Vicky Sparer has volunteered to prepare the phone directory.

D. Crespo -motioned putting notices on east and west gate bulletin boards requesting any changes or updates for the directory. S. Nelson seconded. Motion carried.

TREASURERS REPORT

Bills have been paid. D. Crespo moved to accept the treasurer's report. S. Nelson seconded. Motion carried.

ROAD REPORT

Bills paid: \$497.50 to Black Bear for snow plowing. \$187.50 to Elk Falls, Inc. for west gate mailbox snowplowing. \$800 for new road base at west gate mailboxes. K. Flemingloss requested his bill for \$850 be paid for concrete slab bill and moving mailboxes at west gate location. R. Braun requested tabling this until the west gate mailbox rental agreement was finalized. K. Flemingloss walked out on the meeting.

Carolyn Hartshorn submitted the Elk Falls Property Owners Response Letter, which secretary Suzy Nelson read out loud. Letter attached. C. Hartshorn also submitted a Jefferson County Mediation pamphlet requesting the board to consider mediation with the county concerning the HOA legality issue.

The next BOD meeting is scheduled for Thursday, March 5th at 7PM at Vicki Beacom's house.

D. Crespo motioned to adjourn. R. Braun seconded. Motion passed. The meeting adjourned at 9:05 PM.

Notes submitted by Suzy Nelson.

Elk Falls Property Owners Response

To: EFPOA Board

Date: January 29, 2009

On January 7, 2009 the Board was given a demand letter to provide information that EFPOA is in fact a mandatory Homeowners association. The deadline to provide the information was January 19th, 2009. During the evening of January 19th a copy of an email response from Jeff Bergstrom was forwarded to Carolyn Hartshorn. In that message, counsel stated 1) his response to the matter was not complete due to the time constraints, 2) he had no idea why EFPOA was govern under IRS 501(c)(6), and in closing 3) he disclaimed any responsibility to IRS code advice in case of penalty under IRS, 4) this message could not be used as information to anyone and so on.....

The message from legal counsel to one property owner in Elk Falls did not meet the specifics of the demand letter. Response addressed incorrect statutory requirements.

We paid \$500.00 for a disclaimed email where legal counsel takes no responsibility for his opinion and cited incorrect law to the questions asked.

The Board has failed to provide the demanded information.