

# Elk Falls Property Owners' Association

Board meeting, 11/5/2009

## Attendees:

### Board members:

Robbie Robinson  
Fred Wells  
Bob Phelps  
Renaë Braun  
Suzi Nelson

## Visitors:

Sam Shapiro  
Karen Shapiro  
Bonnie Borkowski  
Jane Hulko  
Rachelle Rausch  
Greg Rausch  
Carolyn Hartshorn  
Vera Dunwody  
Drayton Dunwody  
Carol Phelps  
Bill Woods  
Barbara Woods

## I. The meeting was called to order at 19:09.

**II. Robbie made announcement about meeting policy** – henceforth there will be no audio or video recording of Elk Falls POA meetings without Board approval. (See New Business, item A.) The meeting policies as published will be followed in the future.

## III. Road report – Suzi Nelson

A. Snow plowing: Robert from Black Bear did a good job. There were four plowings. Drayton (Elk Falls, Inc.) submitted a bill to Renaë for 4 hours of plowing by Black Bear which the Board will pay.

B. Suzi called Scott at Hi Country Trucking re: grading. There is one issue on Rock Creek Road near the Woltemath residence which will require a site visit. The requested grading has been delayed because the contractor's grader is being repaired.

C. Judy Woltemath got the license plate number of kids that were drag racing. At least one was not an Elk Falls resident. The sheriff has been notified.

Moved and seconded to accept. Approved.

D. Fred suggested another place to look at for special consideration near Geiss' driveway. Suzi will check it out.

## IV. Treasurer's report – Renaë Braun

A. There is no report because there were no bills except IREA which is a continuing expense and doesn't need approval.

Moved and seconded to accept. Approved.

## **V. Architecture report – Fred Wells**

A. Karrie & Michael Davin requested approval for a garage on Lot 21, Block 1, at 11742 Juniper Road. No issues were found and plans have been approved by Jefferson Country. It was approved by the Architectural Review Committee on 10/21.

B. Jim Lummanick, Lot 26, Block 3, at 34990 Lower Aspen Lane (was Campbell) requested approval for a garage, two fenced dog runs, retaining wall maintenance, and driveway paving. They are a new owner. The garage was probably in violation of set back rules for Park County. Request was withdrawn by the homeowner except for a dog run adjacent to their rear deck. Approval was given for this dog run only by the ARC committee on 10/29/2009. The homeowner will re-submit for any additional approvals.

C. Suzie suggested two separate individuals should approve structures. Everyone agreed but it was not formally voted upon.

D. Robbie asked if there were formal policies regarding deposits. Currently new house construction require a \$500 initial deposit of which \$300 is non-refundable. However there was a suggestion that this had not been uniformly followed. Fred suggested we require \$500 for new construction but allow the architectural committee waive that in appropriate circumstances, e.g. dog runs and small out buildings. Robbie proposed \$400 deposit but only for new construction (home or garage over 200 sq ft?) Fred agreed to put something in writing for next meeting that is consistent with the bylaws.

Moved and seconded to accept. Approved.

## **VI. Lower Lake Ranch Committee – Bob Phelps**

A. The Lower Lake Ranch Committee met for the first time last Monday, 11/2/2009. In addition to the Committee members that consisted of Bob Mechler, Jane Hulko, Bob Phelps, and the Dunwodys, a number of others were there including some non-members of the EFPOA. Bob reported that the meeting was a productive one even though no substantive conclusions were reached. A number of complaints were vented many relating to actions by or attributed to previous Boards. There were clearly lots of old wounds that were still open. Bob recommended the Committee continue to meet because this communication pathway is essential if we as neighbors are to resolve misunderstandings and other issues that may arise between the Dunwoody operations and the homeowners. The Board agreed. At the next meeting Bob will endeavor to focus on access issues near the West Gate.

Moved and seconded to accept. Approved.

## **VII. Old Business**

A. Robbie's e-mail is incorrect on web site. It is in the process of being fixed. The correct e-mail is [mountainbuddies@skybeam.com](mailto:mountainbuddies@skybeam.com).

B. Christine will continue to do web site. Robbie has checked many of the links and they are OK. He has not checked them all yet.

C. Fred reported he made a police report on 10/31/2009 for the missing Elk Falls POA West Gate sign that was stolen on the morning of August 18, 2009.

D. As mentioned previously, the Lower lake ranch committee should meet again ASAP and continue developing neighborly relationships.

E. Suzi suggested we make a contribution to the fire house for the use of the meeting room for the annual meeting. It was moved and seconded that we donate \$100. Approved

F. Suzi Nelson reported that the postponed state park planning meeting will be next Thursday night, 11/12/2009 in Golden 5:30-8:30.

G. Problems were reported with Shaffer's crossing construction. It is perceived as dangerous as set up. Robbie suggested Suzi call the state highway department instead of the construction company.

H. Robbie was to call a resident about riding unlicensed vehicles on the roads. He will do so soon.

### **VIII. New business**

A. Recording of meetings – Robbie prepared meeting policy addendum, item 15, to not allow recording unless a majority of the Board approves in writing in advance. There was lots of discussion both pro and con. Moved and seconded to add this item to the meeting policies. Approved.

B. CCIOA policy (Colorado Common Interest Ownership Act) – Suzie will get for Bob.

C. In the past our homeowners' meetings have been very informal but are becoming more complex given recent legislation (CCIOA) and the increased number of legal issues presented to the Board. Robbie found some legal information about homeowners associations from a law firm specializing in homeowners associations (<http://www.hindmansanchez.com>). He passed out information and asked board to review it for next meeting. They could assist in getting our documentation accurate, making sure we meet all legal requirements, and conduct audits.

D. Questions about the mailbox move were asked again. ALL mailboxes will be moved starting in the next week or two. Vera asked about her refund. Robbie summarized the Board's resolution of this issue: There will be no refunds for anyone. Payment entitles an individual or family to use a mailbox but they do not own the mailbox – the POA owns the mailboxes. If anyone does not want to use the POA mailboxes, they can do anything that is agreed to by the post office. Sam expressed his concern about “blind corners” at the new mailbox site. That issue was considered in the design and approval by the State Parks, the Post Office, and Jefferson County so it should not be a problem.

E. Drayton said he got three bids for filling potholes in the blacktop at the intersection of Juniper and Elk Creek Roads utilized by HOA residents. The lowest one was \$950. He would not share the names of the bidders with the Board because they were “his” bids. This violates the Board's policy that they receive three bids for such work. There was much discussion about whether to waive the Board's policy and pay for the work so that the roads could be repaired. Eventually it was moved and seconded to pay the \$950 for the maintenance. The motion was approved by a vote of 3 in favor and 2 opposed. Renae and Fred voted in dissent.

F. Robbie announced that a UPS truck had apparently been denied access via Juniper Road. Drayton stated he will no longer allow commercial trucks or guests to use that route to enter subdivision property and will no longer allow the POA to maintain those roads. UPS had reportedly received complaints questioning the issue of accessibility to the subdivision over that route. Apparently UPS threatened Drayton that a lawsuit was pending. Robbie questioned the Board and no one knew from whence the complaint or the threat came. Suzi stated that she talked with a Dan Kelly who is a supervisor at UPS but not about a lawsuit. There was much discussion about who said what. The Board will take no action until the know more about what the involved parties plan to do.

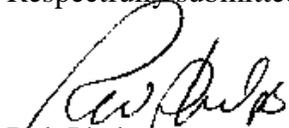
G. There was a brief discussion about POA members, guests, and vendors having access across roads claimed as “private” by the Dunwodys (portions of Juniper, Jensen and Elk Creek Roads) and the issue remains unresolved. It was suggested that at their next meeting with the Dunwodys, the Lower Lake Ranch Committee would focus on identifying the required attributes of an agreement regarding access rights.

H. Drayton announced that he fired Black Bear because he felt it was a conflict of interest to use a company that also did work for the POA.

**IX. The next meeting will be Wednesday 12/9/2009 7:00 at Suzi Nelson's.**

**X. The meeting was adjourned at 20:54.**

Respectfully submitted,



Bob Phelps, secretary

Robbie's handout for an addition to the meeting policy:

15. At any Elk Falls POA meeting to include Board meetings and annual homeowner meetings the audio and/or video recording of the meeting will not be allowed without the majority of the Board's advanced written approval. If the recording of a meeting is attempted the President or acting chair will issue an oral warning that if the recording is not stopped that either the meeting will be adjourned or law enforcement/security will be called to remove the individual. The President or acting chair may call a recess while the recording equipment is removed from the room or while law enforcement/security is contacted.