

Elk Falls Property Owners' Association

Annual meeting minutes

7/13/2014

Call to order

The meeting was called to order by the president, Paul Vastola, at 14:09.

It was announced that a quorum (20% of members entitled to vote) was in attendance. There were 39 members in good standing present in person and 25 proxies were delivered to members and/or the Board of Directors from members in good standing.

Approval of 2013 minutes

A motion was made to approve the 2013 minutes by Don Duell. The motion was seconded by John Carr. Approved.

Introduction of new residents

The following new residents were welcomed to the neighborhood:

DeLapp, James A. and H. Candace
Vimont, John C and Terry Ann
Romero, Robert J and Robin D
Dimeo, David A and Julie A Pelto

President's report

Paul reported that the prior year had thankfully been the least eventful since 2010. Robert Phelps and Suzy Nelson rejoined the Board to replace Jaimie Smyser and Peter Petlak who resigned during the year for personal reasons.

Paul announced that the Supreme Court of Colorado declined to hear the Dunwody's appeal and the lawsuit is now officially concluded. He summarized the long legal proceedings. The Park County District Court ruled in favor of the EFPOA in February 2012, granting EFPOA member's permanent easement (among other things) over the roads around the West Gate. After this ruling there were three additional court dates.

1. In the fall of 2012 the EFPOA was back in Park County District Court after the Dunwody's attempted to prevent EFPOA contractors from maintaining the roads in the easement. The Dunwody's were found to be in contempt of court. This ruling gave the EFPOA clear authority to maintain the roads in the easement and place signage.
2. The Dunwody's filed an appeal with the Colorado State Court of Appeals in 2012, challenging the earlier ruling of the Park County District Court. The State Court of Appeals found decisively in favor of the EFPOA and the earlier court ruling was upheld.
3. The Dunwody's filed another appeal, this time to the Colorado Supreme Court. After 10 months the Colorado Supreme Court found no grounds to hear the appeal and it was denied.

The Dunwody's also sued their title company, First American, for not defending their claims in the original Park County Court Case. The Jefferson County Court found that there was no grounds for the suit and awarded a "Summary Judgement" in favor of First American, thus precluding a trial and ending that lawsuit.

Paul noted that costs but not attorney fees were awarded. The EFPOA Directors and Officers Liability Insurance defended the association against counter claims made by the Dunwodys. As a result of the claim, the deductible on D&O insurance is now very high which requires the EFPOA to maintain available funds to cover the deductible.

Homeowners that are disturbed by noise from events in Park County after 9pm are encouraged to file a complaint with Park County Code Enforcement. Forms were made available to membership.

The conclusion of litigation has allowed the Board to devote more resources toward road maintenance which includes reducing the snow plowing threshold to 4 inches.

State Parks report

Jen Marten, chief ranger and park manager, was unable to attend the meeting but provided a report that was read at the meeting and attached to the minutes.

Firewise report

Mike Hensick presented an overview of Firewise activities in the subdivision including number of hours spent in mitigation efforts. David Petersen asked why it is important for homeowners to report the hours spent mitigating fire risk on their properties. Mike answered that reporting of mitigation efforts is necessary to maintain Firewise status. The goal of the Firewise program is to reduce fire risk in the neighborhood which will hopefully have a positive effect on insurance rates in the future. Hours and money spent on fire mitigation should be reported to Mike at mthensick@gmail.com or 303-838-5493. Reports attached below.

A Colorado tax credit is available for some mitigation activities such as fire retardant additives. A resident asked if tree spraying was covered and Mike said he didn't think it was.

Cyd Lantz gave an overview of the Firewise website elkfallsfirewise.org where fire mitigation tips, slash collection dates, and other useful information is available.

Elk Creek Fire Protection District report

Deputy Fire Chief Jacob Ware addressed the membership. He stated that the EFPOA was a leader in the district for Firewise efforts and that Firewise has been proven to reduce fire risk in the West. He thanked the residents for supporting the successful mil levy which will help purchase 2 new fire engines and 2 new water trucks. Fire danger is average this year. There were 6-7 lightning strikes in the last month. The district will conduct mitigation assessments call 303-816-9385 x15.

Jeffco is developing a new slash collection plan. 10 more slash sites are proposed along with temporary sites in neighborhoods. Szalach's mentioned that trash company will take slash. The counties allow burning of slash but there are very strict rules and a permit and fee is required in Jefferson county.

Marie Hensick volunteered to followup with Staunton State Park regarding plans to build a fire station at the park. The fire hydrant at Staunton does not help reduce insurance rates.

Grants for fire mitigation require the entire subdivision to participate. The Firewise committee will assist property owners with mitigation.

Road Vacating

Christine Groves presented the efforts of the Road Vacating Committee which was formed at the 2013 annual meeting to investigate feasibility of road vacation. Members of the committee are John Carr, David Crespo, Steve Sparer, Renae Braun, and Christine Groves. Christine presented the history of road vacation. In 2007/2008 timeframe Jefferson County asked the EFPOA to be the model for subdivisions wishing to complete the road vacation process. As the subdivision spans two counties, Park County would also need to agree to the vacation. It appears that the Park County application was not updated for new law. Jefferson County would require a PIN survey estimated to cost between \$20k and \$30k based on similar work done by Pitsker Surveying for another

subdivision. Jefferson County won't allow vacation by block. It was noted that Park County accepted the roads for maintenance in 1972 which may be a reason for them to support road vacation. It was noted that there have not been very many issues with state park visitors utilizing subdivision roads. No members indicated interest in pursuing road vacation at this time.

Residents were encouraged to place the EFPOA vehicle stickers on their automobiles.

Homeowners Insurance

Independent insurance agent Jennifer Eleniewski from Creekside Insurance presented useful information for homeowners to consider. Wildfire is in the top 10 of most catastrophic claims. Recent trends are higher premiums and more picky underwriting. If you have a claim you will see higher rates. Insurance companies (i.e. Travelers) are looking for 30 to 100 feet in cleared space around homes and are using satellite to verify.

Hints for lowering rates are to use a local agent, package homeowners with auto, higher deductible, better roofing materials, shop around, mitigate fuels around your home. Firewise does not affect insurance rates "yet".

Architectural (Bob Phelps) report:

2 new homes are being built in the subdivision. Homeowners were reminded to submit plans for approval to the board.

Treasurer's (Rena Braun) report

Rena thanked Bob Wallace for reviewing the financial records for the period 7/1/13 – 6/30/14.

Financial statements were passed out. Rena noted that net assets are once again positive after collecting costs awarded by the court from the Dunwodys. The reserve at the end of the year is forecasted to be enough to cover any contingencies such as unusual snow storms and the high D&O deductible. It was noted that because the Dunwody's did not pay costs until after the Supreme Court declined to hear the appeal, they had to pay the association 8% interest which was \$6k dollars, a very good return. The Board recommended no change in dues.

Pat Pesta asked about whether liens were filed on properties whose dues are delinquent. The answer is yes.

Road (Suzy Nelson) report

Suzy Nelson reported that there was a failed culvert on Highview and Heywood Development had been engaged to replace it after a hole had developed in the top of the culvert. It was a large effort because the culvert had to be placed underneath the gas lines. The new culvert was completely blocked after recent rains. A company was hired to blow out the culvert costing \$1,100. Straw bales with rebar were placed in the ditch to prevent recurrence.

Recent rains have left ditches full. On Juniper water is running over the roads in 5 or 6 places. Residents were encouraged to use caution when driving and that speed limits are 15 mph. Excessive speeds create washboards in the roads.

Residents were reminded that they are responsible for their driveway culverts and to make sure they are clear after recent heavy rains.

With reduction in snow plowing threshold to 4 inches the association is now near the top of Heywood Developments list.

Szalach's asked about the West Gate potholes. Suzy replied that the Board is discussing repairs in the fall. Bob Phelps and Paul Vastola volunteered to do temporary patches.

A homeowner asked if the Dunwody's would contribute to road maintenance and all laughed. Suzy stated she would not be contacting the Dunwody's regarding maintenance.

A survey is underway to stake and pin the easement.

Carol Phelps advised all to drive very slowly and carefully by the "Bye" house as it is hard to see if someone pops out of the gate.

Chris Groves asked about whether the stop sign in the easement needed to be addressed. Paul stated the stop sign at intersection of Upper Ranch and Elk Creek was placed by the EFPOA.

New business

Paul discussed the West Gate bus service. Jeffco is putting in a turn around at the East Gate by the mailboxes. The Dunwody's do not want the school district to use their turn around anymore. Fred Wells has been contracted to contact the school district to discuss options. The school district does not like for buses to back up to turn around although this is how they turned around at the West Gate for many years. Any homeowners who are concerned about loss of bus service at the West Gate should contact Paul. McConnell stated that East Gate is more dangerous for a turn around because of blind corner and faster speeds. Merle L stated the need to furnish parking at East Gate for parents picking up children. It is unknown how the Park County buses are turning around at the West gate.

Suzy discussed the new law that requires residents to provide written approval for their listing to be included in a directory.

Nomination of candidates for EFPOA board of directors

Nominations were entertained for Board officers for the 2014-2015 year. Renae Braun nominated Bob Wallace. Carol Phelps nominated Bob Phelps.

Election of Board members

As there were no other nominations forthcoming, the question was called and a paper secret ballot was distributed to all voting members. Carol Phelps, David Crespo and Joanne Gregory counted the ballots. 61 ballots were returned, 1 was invalid because it contained more than 5 votes. The vote tally was as follows:

Renae Braun 59
Cindy Henshaw 60
Suzy Nelson 60
Paul Vastola 60
Bob Wallace 59
Bob Phelps 2

Adjournment

As there being no additional business, the meeting was adjourned at 4:20 pm

Respectively submitted,

/s/ Renae Braun
Secretary