

Elk Falls Property Owners' Association, Inc.
2017 Annual Meeting Draft
7/9/2017

Call to order

The meeting was called to order by the president, David Crespo, at 14:06 pm.

It was announced that a quorum (20% of members entitled to vote) was in attendance. There were 44 members in good standing present in person and 22 proxies were delivered to members and/or the Board of Directors from members in good standing.

Approval of 2016 minutes

A motion was made and seconded to approve the 2016 minutes. Motion passed.

President's report

David thanked the present board for their service and acknowledged three board vacancies with the resignations of himself, Merle Lehmkuhl, and Cyd Lantz. He extended a special thanks to Renae Braun, who has served on the board for ten years and to Christine Groves for maintaining the website and chairing the Welcome Committee. He reminded homeowners that all are welcome to attend board meetings and that we need volunteers for the open positions.

Congratulations to all residents on a safe July 4 with no fireworks. Remember to check our website, elkfallspoa.org.

David asked the attendees if they thought the monthly newsletter was useful to continue. The consensus was that it is useful, but perhaps limit it to bimonthly following a board meeting. He encouraged homeowners to send content.

The community slash/chip project that was proposed at last year's annual meeting has been tabled due to a lack of interest – only eight people responded. Please check the Park and Jefferson County slash collection schedules to haul your slash.

After founding and administering the Firewise program since its inception, Mike and Marie Hensick are stepping down. Bob Fletcher has volunteered to take over for them.

David welcomed new residents the Marlowes, the Eagles, and the Nelsons.

State Parks report

Zach Taylor, the Staunton State Park manager, addressed the membership. He urged residents to keep their dogs leashed or confined to their properties as he and his staff has had problems with dogs running loose in the park. He also urged us all to slow down for the new fawns in the area. Homeowners were reminded to feel free to call if they have any questions – 303.816.0912.

The visitor's center and maintenance facility are finally under construction in the park. The anticipated opening of the visitor's center is the first part of 2018. This will be a full-service facility where park passes and hunting and fishing licenses may be purchased; customers will not have to pay park entrances fees to do business at the facility. There will also be a large multi-purpose room that can be used for meetings such as our annual meeting and will be used for hunter education classes among other things. The maintenance facility will take traffic off of Upper Ranch. There will probably be a grand opening next spring.

Questions:

1. Are there any plans to repaint lane markings on S. Elk Creek Rd.? No.
2. What is the status of overnight camping? There are currently 25 backcountry walk-in sites but they currently are not open to the public due to a short staff. Zach is hoping to get another full-time ranger in late 2017 or early 2018 and open the campsites in the spring of next year. No open fires are permitted at the sites.
3. Are there restroom facilities for the campsites? Yes.
4. What is the status of the shooting range? This is currently on hold until other construction projects are completed. Zach stressed that this range will be open to the public for archery only and will be situated in a relatively remote section of the park. The only firearms allowed will be .22 long rifle for completion of hunter education training, which is expected to happen only two or three times per year.
5. There seemed to be a private party using the employee entrance near the Davis Ponds. Is this going to be a new service? This was a special use at Zach's discretion. The party was for a handicapped person who wanted to make use of the park's track chair.
6. Is there a way to bypass the pay line if one has a park pass? Not currently.
7. Are there plans to fill the water bar on Berg Lane? Yes, they're waiting for rain to work on the road.
8. Will the public be able to renew lifetime passes when the visitor's center is completed? Yes.

There has been a lot of bear activity in the park. Be bear aware. Please give him a call if you need help scaring bears away. They will be glad to take care of nuisance bears.

Architecture Report (Tom Duffy)

Tom thanked everyone for their patience in architecture matters. He reminded all to read the covenants in their block prior to initiating a project to same time and frustration. There is currently only one new construction in the neighborhood and he is working with the homeowner.

Please see Tom for mailbox keys.

Q. What is the largest shed that Jefferson County will allow without a permit? Not sure; he'll look it up.

Treasurer Report (Rena Braun)

Thanks to the Pestas for doing the annual financial review. All the accounts are in good order.

Copies of the financial report are available at the meeting room entrance.

We're still looking for a management company for financial affairs. Her previous lead is no longer in contention due to a state legislative change in licensing of such companies. She currently has one new lead to follow.

Road Report (David Crespo for Merle Lehmkuhl)

There was no spring grading this year due to a lack of rain. There will be a full grading and ditch dragging in the fall. David thanked the homeowners who have volunteered to drag sections of road with the POA's dragger. Please slow down to preserve our roads!

Q. Is there a problem dragging over the spot paving with the dragger? No.

Q. Will anything be done about the potholes at the west gate? No; the Dunwodys removed the asphalt and have refused to replace it.

Q. Is the stop sign at the west gate legal? No; that was placed by the Dunwodys, not the county.

Q. Will Burbach be doing the grading and plowing again this year? Yes.

Q. When is snow plowed? The benchmark is to have four inches at the mailboxes.

Q. Would it be possible to pave all of EFR? No; this would be prohibitively expensive as well as potentially dangerous in terms of increased speeds. The spot paving that was done was a result of procuring leftover hot mix from another paving project. This resulted in a significant savings. The board is receptive to suggestions for spot paving of other small trouble areas.

Q. Many of the trash trucks speed excessively. What can be done about that? Contact the individual trash companies with the type of truck and time of day. They will discipline their drivers.

Q. Might we consider paving with recycled asphalt? We'll keep the suggestion.

Q. Would it be possible to get a community recycle bin? No. There are too many issues with the wildlife. All the trash companies have recycle programs; contact yours for details.

Q. Would it improve the roads to roll them after grading? We tried that once and it was not effective. It is also expensive as it requires hauling in water trucks.

Q. If we have only one grading per year, can our dues be reduced? No. Though the monies may not be used for two gradings, there are many years in which we incur additional costs for snow removal.

New Business

Definitions

For the benefit of the attendees, David explained the difference between Bylaw changes and Covenant changes:

Bylaws dictate how business meetings are conducted and can be changed by the board at any time.

Covenants are binding contracts that all homeowners must abide. Covenant changes can be effected by proposing the change at the annual meeting as a motion. This motion must be seconded. After discussion, the motion will be voted on by the annual meeting attendees. If the motion passes, the board is then required to send paper ballots to all residents of the effected block(s). For the covenant to pass, 68% of the block must vote in favor of the change. The change must then be recorded with the state. Each block has its own covenants.

Bylaw Change Proposal:

David recommended a change to the bylaws to move our annual meeting to a different date. When the date was set for the second Sunday in July, many of the homes were summer homes only. Now most homes are full-time residences and homeowners are away on vacations during the summer.

A motion was made and seconded to move to the second Saturday in September. This motion failed.

A motion was made and seconded to move to the second Saturday in November. This motion also failed.

A motion was made and seconded to move to the first Sunday in May. This motion passed.

Covenant Change Proposal:

A motion was made by Steve Eagle to add or modify the covenants in Block 3 to allow for low-impact non-residential use such as in-home pet sitting. The motion was seconded by EFPOA member believed to be Paul Presley and moved to discussion. Steve pointed out that this should be seen no differently than babysitting. He also pointed out that they pick up the dogs due to their home being difficult to find. Why not give it a try and if it doesn't work, shut it down.

Discussion:

The comparison with babysitting is not valid. Licensing is required by the state for more than three dogs and how will that be policed by a volunteer board? The homeowners should have read the covenants explicitly disallowing commercial use before creating a business website, etc. Barking is a concern as well.

This sets a dangerous precedent; this is tantamount to reclassifying our neighborhood to mixed-use and could cause an escalation of that mixed use to a level that is not desirable.

This would negatively impact our procurement of Directors and Officers insurance as stated in the June newsletter. There is also a great challenge in enforcing this and/or any subsequent commercial activities within the neighborhood.

Questions:

Q. Can the person who is proposing the covenant change pay the legal and filing fees associated with the change? No; this is paid for by the POA.

Q. Can the covenant change be made by the vote of the membership meeting? No. As previously discussed, the membership meeting can vote to approve forwarding the change to the appropriate block(s), where 68% of the property owners must approve.

Q. For this change, only Block 3 votes but everyone must defray the cost? Yes.

Q. Are home-based businesses such as accounting forbidden? Block 2 has provisions for home-based businesses. Blocks 1 and 3 do not.

This motion failed with 7 in favor and 36 against.

Covenant Change Proposal:

The Colorado Supreme Court has ruled that short-term rentals of less than 30 days are considered residential use.

A motion was made by Deedee Fisher to change the covenants in all three blocks to disallow short-term property rentals of less than 30 days. The motion was seconded by John Carr and moved to discussion.

Discussion:

There can be many negative issues with respect to large parties and fire issues. There are also concerns that properties will be purchased solely for rental. Jefferson County has some regulations and a permitting procedure in place; Park County does not.

It was pointed out that the Dunwodys already have short-term rentals in the area as part of their business.

As with the dog day care, enforcement by a volunteer board is problematic.

There is currently no short-term rental taking place so far as the board is aware. Perhaps rather than change the covenants some more study should be done to better address the issue.

Questions:

Q. Can homeowners be grandfathered in if the covenants are changed? No.

This motion failed with 21 in favor and 37 opposed.

Deedee made a motion to form a committee to further investigate the issue. This was seconded by John Carr. The motion passed with 53 in favor and 0 opposed. Deedee volunteered to chair the committee. Christine Groves, Renae Braun, and Charlotte Winzenberg volunteered to serve on the committee.

Nomination of candidates for EFPOA Board of Directors

Nominations were entertained for Board officers for the 2017-2018 year. Nominations were made for: John Nelson, David DiMeo, Christine Groves, Steve Eagle, Tom Duffy, Renae Braun, and Charlie Printner.

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. Non-board members counted the ballots. 56 ballots were returned. The vote tally was as follows:

John Nelson 49	David DiMeo 43
Christine Groves 35	Tom Duffy 53
Renae Braun 45	Charlie Prentner 33
Steve Eagle 22	

Adjournment

As there being no additional business, the meeting was adjourned at 16:47 PM

Respectively submitted,

Cynthia Lantz
Secretary