

# ***Elk Falls Property Owners' Association***

MINUTES

3/21/2011

Board members present:

Paul Vastola  
Renaë Braun  
Suzy Nelson  
Fred Wells  
Bob Phelps

Guests present:

Bonnie Borkowski  
Carol Phelps  
Con Daily  
Kevin O'Connell

## **I. Call to order**

Paul called the meeting to order at 19:12. A copy of the minutes of the last meeting was reviewed. It was moved by Suzy to approve the minutes as corrected. Approved.

## **II. Introduction of guests and guest comments**

Con – Stated she was thankful for recent communication. She wanted to know how much money has been collected and how much has been spent. Renaë stated that financial reports will appear on the web site as soon as they are available. Con also asked whether there would be another assessment. Paul responded that we don't know. The biggest problem has been responding to Dunwoody motions, specifically the indispensable parties and summary judgment motions. In any case, any additional assessments or changes in the amount of dues (barring an unexpected emergency) would be a question that would be presented at the annual meeting.

Bonnie -- none

Kevin – none

Carol – none

## **III. Old Business**

As charged at the last annual meeting, the procedure to replace vacancies on the Board was reviewed. Currently the procedures to fill a vacancy are addressed in two places in the bylaws. Article III section 7 states that any vacancy may be filled by the remaining Board members. Article IV section 6 addresses removal of a Board member by a majority vote of the Board. When this happens, the replacement Board member(s) are the runner(s) up from the annual meeting election, or if no runners up exist, by a majority vote of the remaining Board members. This section appears in Article IV which addresses officers of the Association as opposed to Board Members.

Paul moved that we clarify the wording of the bylaws: If a member is voted off by Directors as provided by the current Article IV, Section 6, he or she would be replaced with the next highest vote getter from the annual meeting election. If a vacancy occurs for any other reason than Board removal, the Board shall consider the highest vote getters at the last annual meeting that did not succeed to the Board, but may appoint any individual at their discretion to fill such a vacancy. In addition, the current Article IV, Section 6, as amended, should be moved to Article III Section VII, or included in a separate Section of Article III. Said changes shall be reflected and published in a revised Amended and Restated Bylaws for the

Association. Approved unanimously.

#### **IV. Road report / volunteers to clear mailbox pad**

Kevin Nadeau has a device that can be dragged down the roads that helps eliminate washboards, and has offered to make that available to the Association. The Board discussed whether they should encourage or participate in a program that would extend use of the device to homeowners. It was agreed that for liability reasons the Board should not be involved but if individual homeowners wanted to make personal arrangements with Kevin it was up to the individuals.

There has been one additional snowplowing with Shane Roe since the last Board meeting. We have no written contract so far. Fred agreed to put something together since Shane probably won't want to spend money since there may be no more snow plowing this year.

Suzy stated that the roads appear to be in amazingly good shape considering the lack of moisture, but we definitely need some moisture and some maintenance. Motion to accept the report was made by Bob. Approved.

Suzy asked the Board to approve the installation of speed limit signs using a handyman. The board will consider it at the next meeting – maybe use volunteers.

#### **V. Treasurer's report**

Current expenses include: Suzy for supplies and mailing \$216.83 less \$11.08; Bob for directory printing and labels \$225.05; Legal bills (two months) \$17,598 for mediation, summary judgment, and depositions; Renae \$8.95 for registration of the Association. It was moved by Suzy to approve of all bills except legal bills. Legal bills to be reviewed by Fred prior to approval then approved by mail. Approved.

Renae provided and commented on rezoning documents received by the Association from Jefferson County regarding the Dunwody property. The Board will include some reference to the information in the next newsletter, and distribute the information to the membership..

#### **VI. Architectural report**

No activity.

#### **VII. New business**

A provision exists in the covenants that there are to be no bare concrete or bare metal chimney stacks on any houses. Apparently some exist. Having received no formal complaints, the Board will remind people in the next newsletter of various provisions of the covenants.

Date for summer annual meeting – the second Sunday in July – will be Sunday July 10 at 2:00

Suzy gave updates regarding the fire in Mountain View Lakes up Parker Road and on Firewise. Firewise's recent request for state grants were turned down but they are applying for some other local grants. There should be an update in the upcoming newsletter.

Kevin Nadeau wanted to know what to do with electrical service at east gate. Paul moved to donate it to IREA and the Board approved unanimously.

Next meeting will be at 8:30 (following executive session at 7:00) on Monday April 11, at the Phelps'.

**VIII. Adjourn to executive session**

Paul adjourned the meeting at 20:48.

Respectfully submitted,

/s/ Bob Phelps

Secretary