

**Elk Falls Property Owners' Association Board Minutes**  
9/13/2010

**Present:**

**Board members:**

Paul Vastola  
Suzy Nelson  
Renaë Braun  
Bob Phelps  
Fred Wells

**Visitors:**

Sam Shapiro  
Kevin O'Connell  
Vicky Beacom (late arrival)

**I. Call to order:** The meeting was called to order by Paul at 19:08.

**II. Minutes:** The minutes from last meeting were reviewed. Suzy moved to approve. Approved.

**III. Introduction of guests and guest comments:**

Kevin – no comments or questions  
Sam – no comments or questions

**IV. Old Business**

1. State of mediation effort:

There was a conference call with the judge by Mr. Boog, Mr. Osborn, and Ms. Lester. The result was that mediation will be required to be scheduled by December. Mr. Boog plans to file some motions.

2. Completion of covenants case:

Paul signed agreement and it has been filed.

3. Troy Bradley mail:

The Association received a letter from the bank regarding a lien on his property that was foreclosed and now bank owned. They need a response which Renaë will supply.

4. Re-file with Secretary of state:

A notice came to Paul that the Association needs to re-file as corporation. Renaë will take care of as she has done so in the past.

5. Review Firewise release form:

The Firewise committee presented a waiver of liability form for approval. The intent is for it to protect the Association from any homeowner for whom Firewise provides services. There were several typos that needed to be corrected. The Board also wanted to have workers sign an exculpatory agreement. The Firewise committee will be requested to make the appropriate corrections and additions.

6. Removal of rack and east gate:

Paul announced that Dave Crespo has found someone who may be interested in taking the rack. He is also getting bids for removing the concrete pad. Suzy suggested leaving the pad under the gate because of the electrical wires in case we desire to use it for future use. Sam will look at it and decide if that is acceptable.

**V. Road report and plowing/grading contract:**

Blackbear supplied certificate of liability and workman's comp insurance. Robert Weltzer stated all snow plow drivers work for him and are not sub-contractors. Suzy has been unable to get any additional bids despite several calls. There was also a discussion regarding the liability clauses in the contract. A review of last year's contract revealed we changed the default contract so we should be able to do the same this year. There was a discussion about how much snow should be present before plowing. Bob moved that Suzy be allowed to sign contract subject to these changes: (1) snow depth increased to 6"; (2) the contract be modified to match last year's changes plus elimination of waiver of liability for property damage; and (3) get a price for shoveling (the mailbox platform area). Approved.

A complete plowing will be done as soon as we have some moisture. High Country Trucking is charging \$10 more this year but they are not charging to bring their grader in so it'll be close to a wash. Paul moved that we accept the contract. Approved.

**VI. Treasurer's report:**

We collected \$14,200 in August from the special assessment.

Bills approved at the last meeting were paid.

We will be depositing \$4,675 in September.

Rena contacted Colorado Casualty regarding our failure to receive our current bill. The agent stated they have been behind before and we will not be without insurance.

Attorney bills – \$6,371 in July then \$518 in August. Fred moved they be paid in full. Approved.

Suzy moved we accept treasurer's report. Approved.

**VII. Architectural report**

No activity

**VIII. New Business:**

Davis barn party – Paul has not checked into. Maybe we should add a barn walk. Paul will talk with Ms. O'Connell.

Janice Easley requested permission for an extra real estate sign – Rena moved we permit a variance to the covenants for an additional directional real estate sign for their property. Approved.

Shaffers' Crossing development – Suzy reported her conversation with Jeanie Schafer and made it clear the proposal is not in conformance with the Conifer business plan. Suzy found a contact number for Glen Elk and Paul will contact them. The Board will discuss whether to coordinate with them regarding opposing this project.

**IX. Next meeting:**

The next meeting will be on October 11 at 7:00 at Bob & Carol's house.

**X. Adjourn:**

The meeting was adjourned at 20:33 to executive session to discuss recent communication with the Association's counsel.

*/s/ Bob Phelps*

Secretary