

Elkhorn Ranch Owners Association  
Board of Director's Regular Meeting  
Nall Residence  
October 17, 2009 10:00am

Board Members Present:

Debbie Van Gundy	Vice President
JoAn Nall	Treasurer
Cindy Gharst	Secretary
Bruno Huber	Member at Large
Art Burnham	Member at Large

EROA members present:

Denny Nall, Terry Shumaker, Travis Stuckey

The meeting was called to order at 10:08a.m. by Vice President Debbie Van Gundy. The Board members present were identified to confirm a quorum.

**Members Participation**

There were no requests or concerns of the members present.

**Consideration of Agenda**

There were no additional items to add or corrections to the agenda.

**Approval of Minutes**

The minutes of the Special Meeting on August 22, 2009 were reviewed and approved as presented.

**Officers Reports**

Treasurer's Report

JoAn Nall presented the Treasurer's Report. She noted that a large percentage of the dues owed for the 2009-2010 fiscal year have actually been received and recorded in the 2008-2009 fiscal year due to timing. Therefore, the dues revenue will increase when the next cycle is billed and received in the spring of 2010. Also of note were the legal fees for the water issues. These fees have reduced the balance of the water augmentation fund.

An update was provided regarding property liens. JoAn will be filing a lien on a property where the amount owed represents three years of dues.

At the time the new signature cards were submitted to the bank, one debit card was also ordered to facilitate certain types of expenditures, when appropriate. This card is secured with the Treasurer.

Cindy Gharst moved to accept and approve the Treasurer's Report as presented. The motion was seconded and passed unanimously.

Vice President's Report

Debbie Van Gundy confirmed that three Board decisions were passed by phone or e-mail vote since the Special Meeting on August 22, 2009:

1. The Board voted unanimously to begin record searches for a document, Exhibit F, which should be attached with the water court decree for the water augmentation plan.
2. The Board voted unanimously to change the Regular Meeting from October 3, 2009 to October 17, 2009.
3. The Board voted to authorize Art Burnham to meet with and incur a consultation fee from Tim Buchanan, a water attorney in Arvada regarding the current issues about the shared reservoir. There were 4 Board members who voted affirmatively with 1 member who did not vote.

The Board also discussed that any matter of significance or in which funds to be expended are not specifically identified in the budget requires a vote. When such votes are conducted via email or phone, the decision will be read into the record at the next meeting.

## **Committee Reports**

### Social Committee

No Report

### Architectural Committee

Art Burnham reported to the Board that he has received many calls regarding various issues including campers, building issues, review of plans and storage issues. He expressed concern about the accurate response to these inquiries and the Park County Land Use Regulations. After discussion about the EROA covenants and the county regulations, Art will refer members to the county when appropriate, such as the camper issue. In addition, Art will keep the LUR book purchased by the Board so that he has an easy point of reference when responding.

### Election Committee

No Report

### Finance Committee

Debbie asked Cindy Gharst if there was any other member involved with this committee. At this time, no members have participated with this committee. With discussion about full Board involvement in the preparation of next year's budget, it was decided to dissolve this committee.

Art Burnham moved to dissolve the Finance Committee. The motion was seconded and passed unanimously.

### Welcome Committee

Debbie provided a written report of the mailings since May 2009 and an accounting of the money spent.

## **Maintenance/Security Report**

Terry Shumaker reported that there have been several occurrences where people have been driving on other people's lots. An article about trespassing will be in the newsletter. Based on his report that there have not been loose dogs, the Board will also put a thank you notice in the newsletter for member's compliance about their pets.

## **Old Business**

### Election of Officers

At the recent Special Meeting, the election of officers was postponed until the Regular Meeting in October. After discussion, the Board agreed to nominate and elect officers at this meeting so that a complete set of officers was in place.

Art Burnham nominated, with a second by JoAn Nall, Debbie Van Gundy as President. The Board voted and elected Debbie Van Gundy as President.

Debbie Van Gundy nominated, with a second by JoAn Nall, Art Burnham as Vice President. The Board voted and elected Art Burnham as Vice President.

### Annual Meeting Date and Style

The Board discussed that the meeting date has been historically over the Independence Day weekend. However, there has been question about which weekend day to schedule to encourage the most participation. A Board concern was that the social aspect of the picnic often overshadows the Annual Meeting because the meeting is conducted during the picnic, itself. An additional concern of the Board is that the traditional date of the Annual Meeting occurs after three months of the fiscal year have already passed.

The Board agreed to change the Annual Meeting date from July to the last Saturday in March so that members can participate in timely and relative decisions before the beginning of each new fiscal year. With regard to the picnic, since the Board voted at their July meeting not to cater that event, the members picnic will be held in July, the Board will provide the main course while the rest of the picnic will be considered potluck for the side dishes and desserts.

Debbie Van Gundy moved to change the members Annual Meeting date to 10:00am on the last Saturday in March. The motion was seconded and passed unanimously.

JoAn Nall moved to change the Members Picnic date to July 3<sup>rd</sup> for 2010. The motion was seconded and passed unanimously.

#### Regular Meeting Dates and Venue

The next regular meeting will be held at 10:00am on January 9, 2010. The Jefferson Community Center has been proposed as the meeting location for the Regular and Special Meetings of the EROA. A designated and public meeting location rather than rotation of meetings at homes will hopefully result in more attendance by members. There is a \$20 fee for use of the community center.

JoAn moved to hold all EROA all meetings, including the Annual Meeting, at the Jefferson Community Center beginning with the meeting on January 9, 2010 until further notice. The motion was seconded and passed unanimously.

#### Fire Department/Water Storage Tanks at Picnic Pavillion

The status of this item has not recently been discussed. Debbie asked Cindy to write a letter to the Jefferson Como Fire Protection District about the status of this project.

#### Newsletter Ads

In prior discussions, the business card size ads were to continue; however, no rate was determined. Due to space needs for information in this upcoming newsletter and to save cost on printing, the Board agreed to leave out the business card ads for the Fall Newsletter, but to keep the ads on the website. The advertisements will be discussed further at the next meeting.

#### Property Complaints

In response to two complaints of unknown origin, the Board reviewed photographs and discussed the status of each complaint.

One complaint was about a sign for free firewood on the road and the stack of firewood. Based on the pictures, the stacks were orderly and on the private property of the owner.

The specifics of the second complaint were not clear. Based on the photos and verbal conversations, the complaint appeared to be about unsightly building materials and debris. The property owner has removed equipment and materials to a hidden area further on the property. There are still some materials due to ongoing exterior construction with an active building permit.

The Board determined that no action is necessary at this time.

#### Old "Elkhorn Ranches" sign

The Board discussed refurbishing the old sign that was recently replaced at the Remington/Elkhorn Road location. Terry said he would only need oil/paint for touch up and then it could be used at another entrance of the subdivision, he will be readying the sign.

#### Water Augmentation

- Cindy updated the Board that the proposed letter about access issues to the new owner of the Cline Ranch that was discussed during the Special Meeting on August 22<sup>nd</sup>, had not yet been sent. The reason was to wait until further information about Exhibit F of the water decree, which specifically referred to access, was obtained.

- Annual Water Report

Debbie advised the Board of the process she used to compile information about dwellings and well permits from the Park County Assessor's Office and from the State of Colorado to bring EROA current with its reporting. According to the Water Commissioner, Garver Brown, the required annual report for EROA still had not been filed for the last several years. The report is due in April of each year. With the new Annual Meeting date as the last Saturday in March, the annual report will be an agenda item to ensure its completion and submission each year.

- Records Search

Debbie obtained information through the State's website and by requesting information from the Assessor's Office. There was a \$25 fee for the Assessor's report for which Debbie requested reimbursement and has a receipt.

Cindy Gharst moved to reimburse Debbie Van Gundy for \$25, the fee for the Assessor's report. The motion was seconded and passed unanimously.

- Consultation with Tim Buchanan

As reported in prior meetings and further discussed in this meeting, the Board previously authorized the legal services of Richard Toussaint, who had familiarity with the specific issues from his past counsel to EROA. A proposed agreement to resolve the shared reservoir issues was drafted and presented to Jim Campbell. The proposed agreement was rejected by Jim Campbell. As a result, the Board pursued another course of action and authorized Art Burnham to meet with Tim Buchanan, an attorney in Arvada who specializes in water issues.

Art reported that he met with Mr. Buchanan at his office in Arvada where he gave a brief overview of the issues and provided the attorney with a copy of the water decree and other official documents. Mr. Buchanan may have some avenues to find the missing Exhibit F. There was no fee charged for this meeting.

With discussion, the Board agreed that the next step should be to meet with Mr. Buchanan as a group to discuss fees, outline the issues, provide more specific documents and get advice.

Art agreed to coordinate the meeting with the attorney as soon as possible. Each Board member was asked to attend the meeting if possible as well as Denny Nall, who has worked with Jim regarding the EROA's water release and Terry Shumaker, Maintenance/Security for EROA.

Cindy will compile and organize documents for this meeting.

- Newsletter

A brief update will be presented in the Fall Newsletter; however, a letter to members will be drafted when more details about options to resolve this matter are determined.

## **New Business**

### Mileage Reimbursement

The Board discussed mileage reimbursements and lowering the rate allowed for Board members who travel for EROA business.

Cindy Gharst moved that any request for mileage reimbursement for travel by a Board member be subject to approval at a rate of \$0.35/mile. The motion was seconded and passed unanimously.

### By-law Vote for Financial Review Change

At the Regular Meeting in July, the Board voted to conduct a financial review every other year instead of annually as a cost savings. This decision requires a vote of the members because the by-laws specify an

annual financial review. This proposed change to the by-laws will be a ballot question for the Annual Meeting in March.

#### Land Use Regulations

As noted in the Architectural Committee section of the minutes, Art Burnham will use the LUR book as reference for handling inquiries and complaints.

#### Governance Policies

After reviewing the governance policies from 2008, the Board still needs to create the written policies in Item 2. Many of these policies have been discussed for procedures. Cindy will review prior meetings minutes where such topics were discussed and provide draft policies to the Board.

#### Committee Appointments

- Finance Committee: Dissolved as noted in the Finance Committee section above.
- Welcome Committee: Betty Kratky will replace Debbie as the chairman of this committee.
- Election Committee: With Bruno Huber and Debbie, both, as Board members, the election committee needs additional members to participate. The Board will be requesting volunteers through the newsletter, website and word of mouth.
- Social Committee: With the Members Picnic, which is primarily a potluck, in July as the only social event planned, the Board reviewed the need for an actual committee. Volunteer members will be asked to help coordinate the picnic. At this time, the Board has dissolved the Social Committee. With Ann Bridgewater, chairman of the social committee, absent at this meeting, Cindy will send her an e-mail to notify her of the change.

#### Log Cutting/EROA disclaimer

Debbie requested the Board to read a request from a member to put a notice in the newsletter about coordinating log cutting between EROA members who want to cut wood or have wood cut on their property. The Board is concerned that members might misinterpret the notice as an EROA sponsored activity and that it could be liable if problems arise between members because of trespassing, etc.

The Board agreed not to publish this notice as written in the newsletter and asked Cindy to provide a written response explaining the Board's concerns to the member.

#### **Items of Concern from Board Members**

The Board discussed the reasons the financial statements and minutes have not been posted on the website in the past. In order to easily provide as much information to the members and as open records as possible, the Board agreed that the financial statements and minutes should be posted.

#### **The meeting was adjourned at**

Respectfully submitted,

Cindy Gharst  
Secretary