

Reminder: The gates need to be closed at all times per the court order. Members will be fined for any transgressions.

Reminder: In an effort to minimize expenses, the BLE Board is now distributing minutes electronically for those members who are willing to receive the minutes in such a manner.

You can view the BLE minutes and financials online at <http://beaverlakes.org/>.

For those members without access to a computer or who still prefer a hard-copy mailing of minutes, please contact Debbie Trewitt at 303-733-3245.

If you have not been receiving BLE minutes via e-mail and would like to, please e-mail Debbie Trewitt at chiolero@comcast.net to be added to the distribution list.

**BLE Board Meeting
October 8, 2011
8:00am**

Board members present: Bob Dixon, Dale Halverstadt, Debbie Trewitt, Tammy Gordon, Denny Meyer, Kirk Olive, Marge Hickman, and Bob Gresham

Board member absent: Eric Flora (excused)

Lot owners present: Julia Laster, Sandi Halverstadt, Rich Hughen, Warren Flint, Marty Stevenson, Dale Sorter, Al Hoops, Mike Hickman, Pat Meyer, John Gordon, Barbara Goldberg, Stanton Goldberg, Lila Land, Jeff Anderson, Nancy Berendt, Helmut Mayer, Dan Wilkie, Margaret Sjoden, Brenda Allgood, Al Beckman, Vicki Carlson

Caretaker present: Darren Werner

Agenda

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|---|--------|
| 1. Open Meeting | Bob |
| a. Roll call of board members and attendees | |
| 2. Board officer elections | Group |
| 3. Reading of the minutes from proceeding meeting | Debbie |
| 4. Treasurer report | Bob |
| 5. Caretakers Report – | Darren |
| a. Progress report | |
| b. Cabin maintenance update | |
| 6. ACC Report | Marty |

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| 7. Governing Documents update | Bob |
| 8. Covenant Subcommittee | Group |
| 9. December Budget Meeting – Expectations | Bob |
| 10. Updating maps of BLE | Group |
| 11. Conducting Board Business via e-mail/phone | Group |
| 12. ELHA board members and their time commitments | Bob |
| 13. Caretaker pay raise | Bob |
| 14. Conduct of Meetings | Dale |
| 15. Web Site needs some work | Dale |
| 16. Conservation Easements | Dale |
| 17. Covenant Subcommittee | if needed we will cover under Covenant update |
| 18. Caretaker Job description | Group |
| 19. Miscellaneous | Group |
| 20. Adjourn | |

1. Open Meeting

Bob Dixon opened the meeting at 8:00am with a roll call of board members.

Additions to agenda from Dale Halverstadt: firebrick oven, renting the lodge, lights in the lodge; Mar

2. Board Officer Elections

Nominations for positions:

President – Bob Dixon; Elected 8-1 (Dale Halverstadt opposed)

VP – Eric Flora & Marge Hickman; Eric Flora was elected 7-2

Treasurer – Tammy Gordon; Elected unanimously

Secretary – Debbie Trewitt; Elected unanimously

3. Reading of the minutes from proceeding meeting

Debbie Trewitt reviewed the minutes from the August 2011 Annual Lot Owners meeting and from the September 26, 2011 Board Executive Session.

A motion to pass the minutes was made and seconded; the minutes were approved unanimously

4. Treasurer Report

Bob Dixon: ***(Bob D. – please confirm ALL numbers/info in this section that you presented)***

Collection/past debt: 29 members owe BLE in excess of \$46,000; 11 members owing in excess of \$40,000; one of those members owes us over \$10,000 of that outstanding money. We are pursuing action against all of those members and hope to have a settlement in the next 90 days against the individual

who owes in excess of \$10,000.

Income: **\$xxx** this fiscal year (May-September). This is about \$12,000 less than budget for the year due to unpaid dues.

Current assets: **\$xxx**

Current cash: \$105,000

This year's budget: \$150,000; we have spent \$80,000 YTD

Legal expenses Review for FY 2011 Year ending April 30, 2011:

We had budgeted \$18,000 for the year for legal expenses, and have spent \$25,000 FY ending April 30, 2011. Approximately \$9,000 of that is for past due collections. That is money we have not recovered yet but we should later in the year. Therefore, we spent approximately \$16,700 on the governing document review process in FY11.

Legal expenses Review for FY 2012 Year ending April 30, 2012:

The board approved pursuing a judicial option to pass the covenants. The estimated cost for this action will be roughly \$4,000. This will put the total cost for the new covenants at approximately \$21,000 over two years.

5. Caretaker's Report

a. Progress Report

Monthly objectives:

- Dry hydrant repair
- Lower gate repair
- Upper lake access path – remove silt piles
- Area around shop cleaned up
- Subdivision grading/drainage work/road base on trouble spots
- Identify cabin repair needs
- Follow-up with mechanics for repairs and maintenance
- Head gate/ditch water inspection and maintenance insp.
- Check water truck
- Inspect culverts on Moyer property
- Metal roof estimate
- Truck chains

Work completed:

- Electric heaters installed cabins 2 & 3
- Hydrant repair
- Grading
- Beaver dam clearing
- Gate replacement x 2
- E-mail, phone, e-mail
- New pickup caliper
- Winterize cabins
- Pickup plow maintenance

Long-term objectives:

- Tree clearing at lower lake
- Grader tires
- Lodge electric repair
- Finish / move fishing kiosk
- Shop siding

6. Architectural Control Committee (ACC) Report

Lancer Cooke & Lila Land	1:4:7	House repainting	Approved
Duane & Betty Ready	2:30	Storage shed	Approved
Al & Nancy Hoops	1:8:4	New construction- garage	Approved

Special note: the only approval method for building anything, removing trees, painting (if it is a different color), etc. is through the ACC. Any questions or concerns can be directed to the ACC committee. Forms, procedures, and covenants are posted on the BLE web site.

7. Governing Documents Update

The Judge did not pass the covenants as currently written. A BLE Board Executive Session was held on September 26th. At that time, the Board agreed to form a member committee to review the existing covenants, ask for member input one more time, work with our attorney's, Hindman Sanchez to make appropriate re-writes, and present the modified covenants to the BLE Board. In turn, the BLE Board would present the modified covenants to the community for their consent.

8. Covenant Subcommittee

In order to move this forward in the best manner possible, Bob Dixon reviewed our member list and identified 17 members who responded in varying manners to the covenants (consented, didn't consent, abstained). During the executive session, the board unanimously voted for the list presented by Bob Dixon. The Board then divided the list to make phone calls and ask these 17 members to voluntarily participate in this committee. There will not be a board member on this committee; it is strictly a member committee.

Dale Halverstadt expressed concern that there are no members on the committee who have a legal background to correctly document and explain Jeff Anderson's concern about ownership interest. Bob Dixon pointed out that Brad Segal's BLE house partner is an attorney and she has agreed to serve on this committee. In addition, our attorney's, HindmanSanchez, must be involved in the process to make sure the documents are written correctly per Colorado law.

Vicki Carlson: she is concerned about the process not including all of the membership. She also questioned how much of the document is up for debate. Further, she feels that more out of state people should be included in the committee.

The Board explained that the process begins with reaching out to the entire membership to ask for their feedback on the covenants as currently written. All of that feedback will be given to the member committee for them to review, discuss, and make changes as they deem appropriate. The entire document is on the table for review and discussion.

Bob Dixon: the one item the Judge ruled against was that BLE was changing the ownership interest. Bob went on to explain what that means: currently, a BLE member can own multiple non-adjointing lots and pay only one annual due. For example, someone could buy five non-adjointing lots as an investment and pay only one due, where BLE was collecting five annual dues in the past. That means dues for the other members has to go up to retain the same income we have in the past (to compensate for the loss of four annual dues payments).

Helmut Mayer: Helmut questioned how the committee was formed. He is not pleased with the fact that the board appointed the committee and that individual members were not able to volunteer themselves.

Bob Dixon: according to the bylaws, there are two ways for a member committee to be formed- it can be

appointed by the BLE Board as a whole, or by the BLE Board President.

Kirk Olive: would like to point out that Jeff Anderson's mailing to the membership is not a sanctioned BLE mailing. This version of the covenants has come directly from Jeff Anderson and Margaret Sjoden, two individual members who formed their own committee in an effort to completely rewrite the covenants in the manner they want them written in.

Dan Wilkie: he appreciates the efforts of the Board and likes the process/committee idea. He thinks the bigger concern is the number of members who do not engage or vote.

Lila Land: she would like to see the board open the committee up to self-nominated members. She feels that we could gain a lot of insight from such members.

Dale Halverstadt suggested that Lila Land to serve as the committee chair until the committee meets and has an opportunity to appoint a different member if they would like. Lila agreed to serve in that capacity.

Brenda Allgood: she did not appreciate being approached to serve on the covenant committee.

Bob Dixon: apologized to Brenda on behalf of the Board.

Margaret Sjoden: she would like it reflected in the minutes that she would like to serve on the committee because she has done a lot of research and feels that the best solution lies somewhere in the middle between what her and Jeff Anderson have done and what the Board presented to the community. She feels she would bring value to the committee.

Nancy Berendt: we keep missing the point that every member will have the opportunity to provide input to the committee.

The following members who were present at the meeting expressed interest in volunteering for the covenants committee: Al Hoops, Nancy Berendt, Margaret Sjoden, Jeff Anderson, Tim Allgood.

The board will take these volunteers into consideration and follow-up with said members.

9. December Budget Meeting – Expectations

Bob Dixon provided hard-copy documents of the budget history and will follow-up with electronic copies. The Board encourages any and all members to attend this meeting.

10. Updating Maps of BLE

John Boak sent these maps out to the board. We will look at updating and disseminating these maps in the future.

11. Conducting Board Business via e-mail/phone

Bob Dixon: the board will not conduct official board business through the Google Group, nor will board members respond to Google Group e-mails regarding BLE Board business.

All official communications from the board will be sent to members in the following manners:

- E-mail addresses provided by members to the Board
- Mailing addresses provided by members to the Board
- Posting of information to the BLE Website

12. ELHA board members and their time commitments

We all need to understand that this is a volunteer board and be considerate of one another's time.

13. Caretaker pay raise

Bob Dixon: since the last board meeting, the Board convened and approved a minimal raise for Darren.

14. Conduct of Meetings

Dale Halverstadt: I make a motion that we conduct all meetings according to Roberts Rules of Order.

- That the June 11, 2011 meeting resolution no longer be considered in running our meetings.

- All minutes be signed by the Secretary and a copy left in the office.

- All notice of phone meetings be posted so that the lot owners can participate.

- That all emails generated by the board become part of the minutes of the following meeting.

Marge Hickman: seconded the motion

Discussion: Dale thinks our meetings get convoluted because we are not following a set of meeting rules. Marge Hickman agrees and thinks that there is some inconsistency in the way our meetings are conducted.

Margaret Sjoden: agrees with using Robert's Rules and thinks that all e-mail communications, etc. need to be open to the community.

Mike Hickman: he doesn't think we are running our meetings correctly and that today's meeting was not well run and could have used Robert's Rules of Order.

Dale Halverstadt: I would like to table the discussion and vote regarding Robert's Rules until the next meeting.

Denny Meyer: seconded the motion. Unanimously passed.

Lila Land: she has conducted meetings in the past using Robert's Rules and feels that it provides a little more structure and creates a more efficient meeting.

15. Web Site needs some work

Dale Halverstadt: he is concerned that the incorrect covenants are posted to the BLE Website. Bob Dixon indicated that he has worked with John Boak to make sure the correct documents are posted and will confirm that is the case.

16. Conservation Easements

Dale Halverstadt: he doesn't understand the various conservation easements that exist below on the Moyer's property and above on the Lufkin's property. He proposes that we investigate further to make sure we understand how those easements affect BLE and its members. Denny Meyer agreed that it is in our best interest to better understand the easements.

Dale is proposing that we should send a couple folks to the conservation easement office to learn more about how we are affected by having conservation easements both above and below us.

Bob Dixon cautioned that we be careful with researching the conservation easements in that we don't want it to be misinterpreted that we are doing anything other than looking into how they affect BLE (if at all). Margaret Sjoden pointed out that the significant part of the conservation easements is its impact on BLE's water rights.

17. Caretaker Job Description

This will be tabled for now due to the length of the meeting. It can be handled by the board via e-mail.

18. Contributing net metering 24-7-365 turbine water electric power

Al Hoops volunteered to table this issue until the next meeting due to the length of this meeting.

19. Miscellaneous

Due to length of meeting, any miscellaneous items were tabled until the next board meeting.

21. Adjourn

Bob Dixon adjourned the meeting at 11:20am

Other

Join the BLE Group Email - This group permits emails to all BLE Google Group members. Sustained discussions on specific subjects are listed on the home page of the BLE Google Group. This is not a true forum; discussions are merely emails to all group members and replies to a new email "subject."

All members are encouraged to join this group. All board members belong and it is a good way to ask questions and express your opinions about our community's matters of concern. To find out how to join, go to the BLE website at www.beaverlakes.org and click on the BLE Group Email link.

The e-mail address for the BLE office is beaverlakesestates@gmail.com and the phone number is 719-486-0978.

Please note: the BLE address has changed to 585 Empire Valley Drive, Leadville, CO 80461. The PO Box number is unusable as of August 31.

Reminder: The gates need to be closed at all times per the court order. Members will be fined for any transgressions.

The date of next board meeting is **December 10th at 8:00am.**

Remaining meeting dates for 2011:

December 10 at 8:00am