

***A work day has been established on Saturday, 22 September for members to help repair fences and limit the cattle from getting into BLE***

**Reminder:** The gates must 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](mailto:chiolero@comcast.net) to be added to the distribution list.

**BLE Member's Meeting  
August 11, 2012  
10:00am**

Board members present: Bob Dixon, Eric Flora, Tammy Gordon, Dale Halverstadt, and Denny Meyer,

Board members absent: Marge Hickman (excused) and Debbie Trewitt (excused)

Lot owners present: Warren Flint, Joyce Temmer, Claude Temmer, Ed Kuiper, Susan Sams, Marty Stevenson, Jean Wilkie, Dan Wilkie, Hugh Smith, Ken Berendt, Nancy Berendt, Bobby Kuekes, Pat Kuekes, E. David Kuekes, Margaret Sjoden, Jeff Anderson, Lila Land, John Gordon, Mark Ward, Linda Ward, Barbara Goldberg, Stanton Goldberg, Pat Meyer, Stewart Douglass, and Brad Segal.

Caretaker present: Mark Larsen

**Agenda**

- |   |           |
|---|-----------|
| 1. Open Meeting   | Bob       |
| a. Roll call of Board members, BLE members and attendees    |           |
| 2. Reading of the minutes from proceeding meeting           | Eric      |
| 3. Treasurer report   | Bob       |
| 4. Caretakers Report –                                      | Mark      |
| a. Progress report  |           |
| 5. ACC Report   | Marty     |
| 6. Board member vote results                                |           |
| 7. Members Committee - Governing Documents update           | Committee |
| 8. Open up meeting to members-establish if we have a quorum | Group     |
| 9. Adjourn  |           |

**1. Open Meeting**

Bob Dixon opened the meeting at 10:05am.

**2. Reading of the minutes from proceeding meeting**

Since minutes of the June 23<sup>rd</sup>, 2012 meeting are posted on the web site and previously sent to the membership, it was agreed to forgo their reading.

### 3. Treasurer Report

Last fiscal year (May 2011 – April 2012) BLE had a surplus, primarily due to foreclosure collection.

Currently there is \$165,000 in cash, \$45,000 reserve fund (a portion is pending final resolution of a foreclosure), \$10,000 Capital Improvements, \$109,000 working funds for use through the remainder of the fiscal year. All values are approximate.

Bob and Ed Kuiper: summarized operating income and expenses for current fiscal year.

Dale Halvestadt: Asked why are there significant legal fees this early in the fiscal year?

Ed Kuiper/Bob Dixon: An annual retainer has been paid plus there have been some expenses supporting the covenant work.

Bob: currently approximately \$49,000 is owed to BLE by 30 members from past dues and collection expenses. Nine of the 30 owe more than \$1,000, three owe more than \$4,000, 18 people owe less than \$1,000 (generally have not yet paid current fiscal years dues).

Please see the following files for all the financial details:

- Operating Income & Expense Budget vs. Actual
- Balance Sheet

### 4. Caretaker's Report

- Roads have been significantly improved due to work by the BLE caretaker and Scott Jackson (lead road building trainer for Climax mine). They have been working hard to bring road base onto the road and determine where additional road base is needed
- Much of the BLE equipment requires additional maintenance, particularly to get ready for winter; the caretaker continues to perform the maintenance and provide estimates for significant expenses to board to address
- The campground sewer system was originally installed poorly. The caretaker is working to improve it. Currently the showers are working but toilets are not and temporary toilets are in place for use by the campers
- It was asked if the cabins could be winterized to allow winter rentals. Bob indicated they attempt to keep one open but it would be expensive to winterize all of them and is not planned at this time
- It was requested that "Beware of Bears" signs be posted since there have been several in the area, including one that got into a members house. Bob requested the caretaker post one by the second gate
- Bob indicated the fences between BLE and the ranch have breaks and it is BLE responsibility to repair them if we desire. In the past there have been work days to repair fences and it was decided to hold a work day on Saturday, September 22<sup>nd</sup> for members to help repair fences
- Cattle have also been seen crossing the upper cattle guard which has a significant amount of dirt in it, the caretaker is planning to clean it out and will continue to herd them out of the BLE when they are found in the area.
- It was asked how much time cattle are allowed to be on Forest Service land, but nobody in attendance was certain.
- Dale Halverstadt noted that the by-pass gate for horses has been left open. Bob requested that caretaker post sign to keep it closed
- It was noted that we seem to have a much better relationship with the neighboring rancher. Bob thanked Ken Donohur (previous Board member) for his help in opening the lines of communication and fostering a good relationship. Bob continues to meet with the rancher and his manager at least quarterly to foster open communication, e.g. in the past we lost a law suit regarding where snow is plowed but last winter they worked out where we could plow snow that would not hinder cattle operations

## 5. Architectural Control Committee (ACC) Report

The following five applications were submitted:

Jeff Anderson & Margaret Sjoden	2:39	New construction- house	Approved
Michael HacsKaylo	2:47 & 48	Re-stain house exterior	Approved
William & Barbara Ormsby	1:1:8 & 9	Shed	Approved
Jim & Carole Hottinger	1:2:16	Tree removal	Approved
Ed Kuiper	2:50	Tree removal	Approved

New, improved application forms have been posted on the BLE web site.

*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.*

## 6. Board Election

32 valid proxies were submitted, 18 for Bob Dixon, 9 for Dale Halverstadt, 3 Marty Stevenson, 1 for Denny Meyer, and 1 for Stewart Douglass; proxies invalidated 4 Marge Hickman (not in attendance), 3 Debbie Trewitt (not in attendance), 1 for Harold Knute (not in attendance), 1 Julia Laster (not in attendance), and 4 invalidated due to listing 2 or more people to be proxies

64 total ballots with votes for up to 2 per ballot were submitted. The results were 54 for Debbie Trewitt, 50 for Bob Dixon, 3 for Marge Sjoden, 3 for Rich Hugen, 1 for Marge Hickman (already on the board), 1 for Jeff Anderson, and 1 for Tim Allgood. One ballot was invalidated because it did not have a name on the outside so it could not be confirmed to be from a member in good standing

## 7. Members Committee--Governing Documents Update

Bob: Summarized the process that has been used to draft updated governing documents. He thanked the committee for their very hard work, many hours, and success working difficult issues. One significant concern remains with section 9.6 (Amendment of the By-Laws) and he requested clarification of the committee's intent as to who has ultimate responsible for the By-Laws, the Board or a member's committee. Bob also indicated the attorney has stated it's unlikely this section as written would be upheld in a state court based on existing state statutes.

Brad Segal (co-chair of the Members Committee with Margaret Sjoden): Thanked the committee and summarized their work. He further summarized the comments received, responses to all those comments, interactions with the people providing comments, etc. A week ago they delivered what they felt would be the final version and anticipated consent forms could be provided at this member's meeting. They felt the current version has been reviewed and agreed by the attorney and thought it was in accordance with state law.

Bob: Stated he feels that the Board must have the final say on By-Laws since they are the ones held accountable for the BLE operations, this power should not be given to a committee while the Board entity is accountable by state law.

Brad: provided additional detail on how section 9.6 is written and noted that most HOAs in Colorado allow the Board to have the power to change the By-Laws; since there have been issues with the Board in the past, they are attempting to establish a compromise to have a committee and bring By-Law changes to a Member's meeting; they understood the attorney's comments somewhat differently, i.e. that it may or may not be enforceable but can remain.

Bob: requested evidence that there has been large disagreement, believe the disagreement came from a small number of members

Brad: discussed the Lot Owners' Initiative Committee that previously drafted a version of covenants; this initiated requested many things have full member vote; many of these items have been removed and they feel it's a reasonable compromise for By-Law changes to be brought to a member's meeting.

Bob: previously requested information on the Lot Owners' Initiative but was not provided

Jeff Anderson: summarized the Lot Owners' Initiative and feels information did not need to be provided since that initiative was entirely funded by private funds

Bob: Stated that any proposal to change declaration is property of the HOA and it should have been provided once they proposed to change the declaration, it becomes HOA property but they refused to provide documentation of the actions of the committee; summarized the judge's ruling on the previous ruling; bottom line is the Board is held accountable and committees cannot be held accountable so shouldn't have that responsibility

Margaret Sjoden: Suggested that this item be taken back to the attorney and his wording be accepted

There was no disagreement from the Board or members with accepting the attorney's re-write of section 9.6 and move forward with a member's vote

All Board members present agreed to accept wording for section 9.6 from David Furman, the attorney most familiar with the updated BLE covenants. Bob noted that David Furman is on vacation until the end of August

Bob: provided summary of the other recent changes to the covenants:

- Add to Section 2.3d: "Leasing of lakes, dams, and water rights shall be prohibited without 67% of the total vote of the membership of the Association." This is to make to very difficult for the BLE property to be leased.
- Section 4.1: Change reference of "manager" to "caretaker" (and make similar changes throughout the document) for consistency
- Section 3.8ii: clarify that assessment and voting treatment for multiple lots applies only when there is up to one dwelling: "Multiple adjacent lots owned and titled in the same name to the same Owner, *with no more than one dwelling as defined in provision 7.3 upon said lots*, for the purpose of common expenses shall be deemed a single lot"
- Section 5.2: Change "council" to "counsel" (and make similar changes throughout the document)
- Section 5.8a: clarify interest rate charged shall bear interest at the rate of "up to" 12%
- Section 9.6 – see prior discussion; committee will solicit wording from attorney
- In all instances, references to "3.7 Allocated Interests" needs to be changed to "3.8 Allocated Interests"
- Section 7.15: Add a section (recommend after c.) "Owners shall be required to bring into compliance any addition or improvement that differs from the ACC application that was approved" (re-letter other clauses accordingly)
- Section 2.5: Strike the word "yearly" in reference to frequency of meter readings
- Section 5.6: Change "equal to one-tenth" to "up to one-tenth (for working capital fee)
- Section 5.8b: Need clarification or replacement of word "estop"; it was noted this is a valid legal term meaning "preclude"
- Section 6.8: want to omit "existing" as follows: "...except for liquid fuel tanks(s) owned and maintained..."
- Section 7.12: change from "completed within 3 years" to "completed within 18 months" to reduce the time a partially completed house can remain uncompleted. It was clarified that this applies to the exterior.

Bob: Discussed potential situation of a violation of an ACC permit; currently the only option is to fine the person \$250 and the member may feel they can then maintain the violation once the fine is paid; a higher fine or other options may be needed to address on-going violations

Margret Sjoden: In the new covenants the \$250 fine does not apply to ACC violations, there are other clauses that allow stronger remedies. The committee will work with the attorney to clarify the language addressing penalties for ACC violations. The committee intended that ACC violations would be determined based on magnitude of the violation.

It was suggested if we are going to specify colors that can be used, BLE specify acceptable colors

Bob: Indicated it would be extremely difficult to specify all possible colors. He indicated that currently there are guidelines and a color chip should be submitted to the ACC for approval. If that color is not used then it would be a violation

Bob: Heartily thanked the covenants committee for their extensive efforts.

Brad: Noted the committee came together extremely well, worked through some very difficult issues, and hope the community will similarly come together

## **8. Miscellaneous Topics from Members**

The following topics were raised by the members for discussion:

- a. Request sign by lower lake parking lot be moved to be less obtrusive: Dan Wilkie noted that was the best place for the parking lot and the sign needs to be by parking lot. Eric asked if the sign could be turned sideways to be less visible; Dan Wilkie noted that sign is mounted in concrete which makes it difficult and costly to move. Tammy asked if it could be made smaller and lower; Dan Wilkie indicated that too would require significant work. Bob Dixon asked if it could be landscaped differently to break up the view of the sign. Dale noted we need to be careful about plantings on the dam. Bob requested the Fishing Committee investigate options.
- b. Membership directory: Bob noted due to privacy, we cannot publish the member's list. Brad and John Boak started a voluntary directory several years ago but it "lost energy". Ed Kuiper suggested a check-box on the next invoice to allow that member's information to be included: Bob indicated we could also include such a check box with the covenants vote.
- c. WiFi for Lodge: Bob noted that is somewhat expensive; John Gordon indicated it would be about \$60 per month. Bob also noted the provider limits the volume of data per month and if one person uses it all up early in the month, then it goes down to dial-up speed for the remainder of the month.
- d. Speed Limit Signs: some have been ordered and will be posted; Lila Land suggested something like "We love our children, please slow down". Dale noted that ATVs are driving at excessive speeds. Bob indicated that the caretaker continues to politely stop people and ask them to slow down. Dan Wilkie added that some of the violators are non-residents coming through the area. Bob indicated if you can get a license plate number, it can be reported to the Lake County Sheriff who can cite them for careless driving.
- e. Fire Ban: at the last meeting the Board indicated BLE follows county fire bans. Bob added that open fires without an established pit and cleared area around it are never allowed in BLE
- f. Furniture in the Lodge: we have accumulated a lot of furniture in the lodge and some items are in very poor shape which need to be thrown out. A concern was raised with people dropping off things they don't want but not establishing if there is a need for the item nor coordinating with the caretaker. Bob requested a sign be posted in the lodge that indicates to check with caretaker prior to leaving anything; it was noted that the thrift store in Leadville will take furniture.
- g. Cell Phone coverage: Bob suggested members call their provider to request improved coverage. Ed Kuiper asked how many people would benefit from improved Verizon service, he is going to call their loyalty division to see what can be done
- h. Garage Sale in Lodge: Bob indicated that it is open to the community to use and reserve. It was asked if outsiders could attend? Bob indicated a one-day event shouldn't be an issue and to coordinate with the caretaker.
- i. Meeting with Forest Service Fire Official: It was suggested he come to the work day Saturday, September 22<sup>nd</sup>. Dan Wilkie will contact him to see if he can come that day

- j. Fishing Committee: There are on-going issues with beavers in lower lake. Their dam slows water flow into the lake which provides oxygen for fish. They suggested some additional culvert in upper side of lake or other method to keep beavers from blocking the current channel. Bob indicated there may be issues with that being a wet land area, beavers plugging up culverts, culverts freezing, etc. Bob requested committee investigate options to address the while not using something unsightly (e.g. fencing).

## **9. Adjourn**

Bob Dixon adjourned the meeting at 12:25pm

### **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](http://www.beaverlakes.org) and click on the BLE Group Email link.

The e-mail address for the BLE office is [beaverlakesestates@gmail.com](mailto:beaverlakesestates@gmail.com) and the phone number is 719-486-0978.

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

**Reminder:** The gates must be closed at all times per court order. Members will be fined for any transgressions.

The date of the next board meeting is **October 20<sup>th</sup> at 8:00am.**

### **Remaining meeting dates for 2012:**

- September 22<sup>nd</sup>, Member Work Day to Repair Fences
- October 20<sup>th</sup> at 8:00am
- December 8<sup>th</sup> at 8:00am