

**Opportunity:** There will be a Wildland Fire Exercise jointly with the Panark HOA at Twin Lakes on Monday, June 10<sup>th</sup>. Members are encouraged to participate. More information will follow.

**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 [trewittd@gmail.com](mailto:trewittd@gmail.com) to be added to the distribution list.

**BLE Board Meeting**  
**April 27, 2013**  
**8:00am**

Board members present: Bob Dixon, Eric Flora, Dale Halverstadt, Marge Hickman, and Denny Meyer

Board members absent: Debbie Trewitt (excused) and Tammy Gordon

Lot owners present: Marty Stevenson, Al Hoops, Warren Flint, Helmut Mayer, Ken Donoher, and Beth Donoher.

Caretaker present: Mark Larsen

**Agenda**

- |  |       |
|--|-------|
| 1. Open meeting  | Bob   |
| a. Roll call of Board members and attendees  |       |
| 2. Reading of the minutes from proceeding meeting  | Eric  |
| 3. Treasurer report  | Bob   |
| a. Acquired lots 2 & 3, filing 1, block 9 through Sheriff's Sale   |       |
| 4. Caretakers report –   | Mark  |
| a. Progress report   |       |
| 5. ACC report  | Marty |
| a. Current covenant violation-next steps   | Bob   |
| 6. Lot 91, filing 2 acquired through Sheriff's Sale this month   | Bob   |
| 7. Water application needs filed   | Bob   |
| 8. Road discussions  | Group |
| 9. Insurance premiums going up for cabins, etc.  | Bob   |
| 10. Board elections in July  | Group |
| 11. Miscellaneous  | Group |
| a. <u>Caretaker</u> : Stewart and Lancer to look into cost of buying a used backhoe of similar or same model as the current BLE owned one  |       |
| b. <u>Fishing Committee</u> : Look into remedies to eliminate “fish moss” growing in lakes; BLE/fishing committee is not considering moving kiosk, as incorrectly stated in previous minutes |       |

- c. Al Hoops get cost and size estimates for having dumpster in BLE in general area of caretaker's cabin
- d. New website update

## 12. Adjourn

### 1. Open Meeting

Bob Dixon opened the meeting at 8:00am.

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

Reading of the minutes waived as they are posted on the web.

### 3. Treasurer Report

\$86,510 in the bank, \$38,194 in receivables (past dues, acquired 2 lots in the lower filing, acquired lot in filing 2). Discussion of acquired lots appears later in these minutes.

We are close to end of fiscal year (which is 31 May), overall finances are in excellent shape.

The following is a summary of operating income and expenses. The detailed reports will be provided along with these minutes:

- Dues – received \$145,575, budgeted 148,665
- Cabin rentals – received \$4,876, budgeted \$3,750
- Legal fees reimbursable – overall positive \$4,700 as we collected some past due expenses
- Interest - \$1,500 positive
- Overall - \$5,000 positive but still have appx. \$3,000 in past dues
- Caretaker (Cost of goods sold) - \$6,700 over budget due to raise as caretaker did excellent job
- Contract labor – under by \$13,650
- Cost of goods sold – overall \$7,500 positive
- Collection / Bad Debt Expense - over budget by \$22,183 due to lots purchased but BLE at Sheriff sales – we will receive income when the lots are sold
- Fuel – appx. \$2,000 under budget
- Vehicle maintenance - \$2,800 over budget due to older vehicle maintenance required
- Legal fees – \$3,500 over budget from rewrite
- Repairs & Maintenance Roads – under budget \$5,000, but expect to order additional road base prior to end of fiscal year to prepare for improvements in the spring/summer
- Electricity – under budget by \$2,950
- Propane – under budget but expect refill soon which will likely bring the cost at least up to the budget
- Cabin maintenance – no major expenses are known but caretaker has to inspect them in preparation for springs/summer

Overall, budget had about \$15,000 in reserve, currently the reserved is at \$28,000 but have some expenses coming in. Overall this fiscal year should be well within budget.

Over the last two years we have carried appx. \$40,000 owed to BLE. Removing the lots acquired, where we will get the money when sold, we now have \$12,587 owed from 6 people. Two people owe nearly \$9,000 of that.

The 2 lots acquired in filing 1 were offered to the members at a fair market value, \$34,000, received 2 inquires but neither made an offer by April 1 deadline. They are now offered for sale at \$39,900 through a realtor and there will be a 9% realtor's commission.

BLE also recently acquired filing 2, lot 91 at a sheriff's sale following foreclosure. \$6,300 was owed at the

time we acquired it. Our realtor believes it's value is \$36,500 to \$40,500. Bob suggested we are consistent with previous, i.e. fair market value less 9% realtor's commission. After discussion it was decided to price aggressively so BLE doesn't stay in land business. Motion by Denny to offer members at \$26,000, but all offers will be considered. If it's not sold within 30 days, BLE will list it at \$29,000 through a real estate agent. The motion was seconded by Dale, passed unanimously, including proxy for Debbie held by Bob. Bob also noted that we would like to sell the lot this summer since lot sales slow in the off season. If it's not sold early in the summer, the board will consider lowering the asking price.

#### **4. Caretaker's Report**

- There was less snow early in the season allowed more time for equipment maintenance; loader was very reliable all winter
- Water truck is useful but quite limited as it can't have water left in it; there is no low cost fix
- The caretaker has improved culvert ditches. The water is getting off the roads and through culverts much better. This results in the roads being in better condition. His expectation is the mud will be less of a problem in the spring
- Bob requested Mark provide a summary of equipment status and where money could best be spent to improve equipment. We have some reserve funds that could be used for this effort. The caretaker's feels the backhoe is the most important item to replace. Bob also requested a list of needed building improvements that may require outside contractors.

#### **5. Architectural Control Committee (ACC) Report**

There were no new applications or approvals since the last meeting.

##### **Covenant violation discussion**

Bob summarized his understanding of an on-going covenant violation. In August 2012 a letter was sent via certified mail to member regarding siding not being wood as approved by the ACC and paint color is not a light wood color, which was received by member. BLE received a response from the member stating they did not believe there was a violation. On October 2, 2012, the board sent another letter reiterating violation and requesting response by October 30, 2012. No response was received and the certified letter was returned to BLE un-opened. An additional letter was then sent November 2, 2012. This letter also was returned unopened. Later in November, a meeting was held with the member, a board representative and an ACC representative. It was noted that the painting could not be done until spring. Additional letter sent regular mail.

At this meeting, the member responded to the above description. He was really surprised by this issue and feels they have been "put on trial". He believed there was an agreement at the ACC meeting at the meeting in November 2012. He feels BLE is being too aggressive under the new covenants and noted this was initiated under the old covenants which he doesn't feel it has a provision for a fine. He noted that the ACC can make rules under the old covenants but doesn't feel ACC can impose fines under the old covenants. He requested that the board not continue to pursue this issue as aggressively. He feels the siding is "wood", it is "engineered wood" but he feels it is "wood". He feels the color is similar to other homes in BLE and no chip was provided originally. At the meeting with the ACC in November he felt there was agreement the chip wasn't orange. He also noted that the certified letters were not delivered because he was out-of-state then out of the country for family matters. They did not refuse the letters; rather they were not delivered by the USPS because they weren't home during their waiting period.

Bob disputed indicating the color was orange. He acknowledged the chip was the same color as the home color. Bob noted that legally a fine can be assessed but that's not what the board desires. The board desires a compromise rather than a fine. To date no compromise has been offered by the member. Bob quoted information recently published by an HOA attorney, noted that home values can come down due to covenant violations and it is the board's obligation to enforce the covenants. Bob reiterated that the siding isn't in compliance but we're not asking for that to be changed. Bob requested member provide a proposed compromise.

The member feels they are in compliance and he doesn't feel it lowers values of homes. Bob noted that we've received complaints from neighbors who believe their home values are reduced. The member noted that it's not painting season yet. Bob agreed that it is not expected to be completed by May 31, 2013 but the member needs to offer up an acceptable compromise by then or the board will take action.

Marty noted that the ACC application stated "wood siding". Marty feels it is not wood siding, rather it is a "traditional panel siding".

Eric noted that this member is not being singled out and board has pursued others but they are generally resolved long before coming to a Board meeting. The Board is willing to waive all fines and legal action if an acceptable compromise is reached. The Board requests the member to provide a specific plan and color changes by May 31, 2013.

Bob noted that May 31st is the deadline established for action, but we understand the actual painting may not be completed by May 31<sup>st</sup>. We do need a solid plan of action by then. The member agreed to provide the ACC and Board with an acceptable plan prior to May 31<sup>st</sup>.

*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. Water Application Filing**

BLE received communications from Colorado that was sent to our previous water attorney. The paperwork is highly complex, so Marty agreed to meet with an attorney to better understand the options and maintain our water rights. (Application was filed the week of May 1<sup>st</sup>, 2013)

A member asked about the filing 2 requirement to report water usage twice a year. Bob requested Marty ask the water attorney about potential implications of that, e.g. how are those used and could the state use then to take some negative action against the owners or BLE.

## **7. Road Discussion**

Bob noted the road has some problems and asked caretaker about his plan. He is getting additional road base delivered soon. The initial area to be addressed is between the gates where the rocks are showing, which prevents effective grading. He is also looking at use of a rubber tree polymer extract that helps bind the road base after it's been installed and graded.

Ken Donoher noted that the caretaker has done an excellent job but the amount of traffic is greatly increased. An expert indicated to him that the increased traffic requires more regular grading. He feels we need some sort of speed control, e.g. speed bumps. Bob noted that members can get license plate numbers of vehicles speeding and they will be reported to sheriff for potential actions.

Helmut noted that it's extremely important once the road base is put down, quickly address compacting and binding agent.

## **8. Insurance Premiums**

BLE premiums are going up appx. \$500.

Denny noted that his insurance is requiring brush removal and other actions prior to renewing. Bob indicated his premiums tripled without discussion and he switched insurance companies.

## **9. Board Elections**

Bob noted that board elections are in July. Communication on this will follow. Bob will take lead and Marge will help. Denny and Eric are the two board members who's terms are ending in July. Bob

encouraged them to run for re-election.

## 11. Miscellaneous Topics

The following topics were raised by the members for discussion:

- a. A discussion of rental rates on cabins was raised. A member felt the rates are far too low and should be raised. They can't be raised this year, but could be raised next year. Bob indicated he would add that to a future agenda.
- b. Outside fires were discussed, some felt they should be banned. Currently we follow the state and county fire regulations.
- c. A member feels burning the slash pile is a fire hazard. The caretaker noted that we have to break it into small piles, get a burn permit, and notify the fire department. It was noted that the Lake county landfill will take slash for free. Marty noted that the slash pile was created to encourage people to get dead wood out of the development and reduce overall fire hazard. Opinions varied on the hazard versus the benefit to the community. Decision was to continue with this but also continue to discuss.
- d. From previous meetings, Stewart and Lancer to into replacement backhoe, no update.
- e. The fishing committee provided updated regulations with some minor changes. They extended the fishing season for members 1 month, now through October 31<sup>st</sup>. They also added need for ATVs to be parked in parking lots. There has been a report of suckers in upper lake. They are looking to put in some brown trout to help with the suckers. They are discussing a weekend to allow members to keep one fish from lower lake, depending on how fish survived during the winter.
- f. Marge noted that a previous meeting minutes incorrectly indicated the fishing kiosk was going to be moved and clarified there are no plans for it to be moved.
- g. Al Hoops was going to look into getting a dumpster for members trash. Rather than that, it was noted that members can get their own trash removal. One option that has come to our attention is Gar's Trash Removal who will do weekly trash pickups. To contact Gar's, call 719-293-2131, ask for Greg or leave a message.
- h. As previously noted, John Boak has upgrade BLE web site that greatly improves performance and access to information.
- i. Marge noted that the Panark HOA at Twin Lakes had an item on their agenda they are looking for volunteers from BLE to participate in June 10<sup>th</sup> Wildland Fire exercise. Marge is planning on attending. Marty and Mark will consider if they can.

## 9. Adjourn

Bob Dixon adjourned the meeting at 10:20 am

## Other

BLE office contact information:

- E-mail address - [beaverlakesestates@gmail.com](mailto:beaverlakesestates@gmail.com)
- Phone - 719-486-0978
- Address - 585 Empire Valley Drive, Leadville, CO 80461 (the PO Box is no longer used)

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

The date of the next meeting is the annual members' meeting **July 27<sup>th</sup> at 10:00am followed by a member's picnic at noon**

## Remaining meeting dates for 2012:

- July 27<sup>th</sup> at 10:00 am (annual meeting); 12:00 members picnic
- September 28<sup>th</sup> at 8:00 am
- December 7<sup>th</sup> at 8:00 am