

Reminder:

- The gates must always be closed after each use per the Court Order.
- All pets must be on leash and under control.
- Members will be fined for violations. See www.beaverlakes.org/documents/ for more information.



Board Meeting

May 18, 2019 – 8:00 A.M.

Board Members Present:

Bob Dixon, Ken Berendt, Andy Olear, Karen Runowski, Floyd Strader, Adam Wiens, Rich Boon

Board Members Absent:

Eric Flora – excused

Lot Owners Present:

See attached sign in sheet

Caretaker:

Mark Larsen

Agenda

- | | |
|---|-------|
| 1. Open meeting | Bob |
| a. All members please sign in | |
| 2. Election of Board positions | Group |
| 3. Treasurer report | Andy |
| 4. Caretaker's report | Mark |
| a. Progress report | |
| b. Equipment status | |
| c. Lodge septic update | |
| 5. Four Year BLE Improvement Plan review | Group |
| 6. Web site – do we need to have certain pages locked for “members only”? | Group |
| 7. Larree Morgan v. ELHA update | Bob |
| 8. STR violation reports by members | Group |
| 9. ELHA Covenant & Rule Enforcement Policy adoption | Bob |
| 10. Executive Board Session via conference call 8/20/2019 | Bob |
| 11. Mallard Road Update | |
| 12. Water Rights Update | |
| 13. Discussion topics | |
| a. BLE lot for sale | Bob |
| b. Chipping day | Group |
| c. Cabin Committee update | Dena |
| 14. Adjourn | Bob |
-

Minutes

1. Bob opened the meeting at approximately 8:10.
 - a. A sign in sheet was provided and Members signed is. A copy is attached to these notes.
2. Election of Board positions were held.
 - a. The Board positions of the president, vice president, secretary, and parliamentarian were voted on by the Board and all were retained unanimously by all present at that time (Andy arrived at meeting late). The Board position of the treasurer was voted on and Ken was elected unanimously by all present at that time.
 - b. Andy made a statement later in the meeting that his employment position does not allow him to sign documents for any other entity and therefore could not run for treasurer.
3. Treasurer report was presented by Bob. A copy of the balance sheet and operating and budget sheet are included on the web site with these notes.
4. Caretaker's report was presented by Mark Larsen, resident caretaker. He noted that the lower dam work is finished for this year, the lodge/cabin/campground septic tank is now under construction, and certain pieces of equipment are down with repairs.
5. Four Year BLE Improvement Plan will be updated as needed and will be discussed in detail as the 2020-2021 budget is established at the November Board meeting.
6. A discussion ensued that certain portions of the web site should be locked down such as water rights discussion and detailed financial information. Locked down means that those section are viewable by Members by a password only. A Member volunteered to assist with setting this up.
7. Bob gave and update on the Larree Morgan v. ELHA lawsuit. Bob read the following into the record:
 - *We will not comment on any specifics of the actual lawsuit today.*
 - *We have filed our answers to the plaintiff's motion which was required by the court by 9/19/19. A copy of our response can be found on the ELHA official website.*
 - *We will now await next steps and will keep all members informed as we move forward.*
 - *We do have insurance that will cover the costs associated with defending the lawsuit brought against ELHA and our deductible on that policy is \$0. Therefore, all costs associated with defending this lawsuit up to this point and going forward will be covered at 100% by our insurance company.*
 - *ELHA will make every effort to keep the membership informed on a timely basis with regards to updates when they are available. However, we will not use Nextdoor to engage, defend or refute the misinformation and non-truths that have been rampant on the social media website.*
 - *All of our e-mail addresses are listed on the ELHA website and so if you have any individual question that doesn't relate directly to the lawsuit please feel free to reach out to us directly.*
8. Curtis Over asked whether the Board is open to holding a special meeting to further discuss this. Bob noted if procedures are followed properly a special meeting could be established.
9. Bob reported on a Lake County STR complaint against ELHA. Lake County Building and Land Use Department Director Paul Clark reached out to Bob on Sept 9, 2019 with an anonymous complaint he received stating that ELHA was operating STR's without the required licenses. Bob and Paul communicated back and forth via e-mail and also spoke on the phone. After this, Mr. Clarkson wrote on Tuesday September 10, 2019 the following: "I'm quite sure the complaint is misguided, it was anonymous. Usually, anonymous complaints don't have the facts." Paul then went on to say: "Pursuant to our phone conversation this day at about 3pm, I find that there is no violation and the matter is resolved and closed."
10. Bob reported on the executive Board session held on 8/20/19 at which time the Board held a conference call to discuss possible violators of the STR ban. After review of the evidence it was decided that four Members were in violation of the STR ban. A discussion ensued about whether we should send warning letters or move directly to fining the violators. After a lengthy discussion one Board Member suggested that we should move

straight to the fines and the other six agreed. Therefore, it was decided seven in favor to none opposed that we would issue fine letters to the four Members. The Members will all have an opportunity for a hearing with the Dispute Resolution Committee. Chair of the DRC committee is Ken B and the other 2 members include Rich Boon and Eric Flora. They will meet with the alleged violators and make recommendations to the board as how to proceed. A number of different decisions could come out of the hearings. The Board's desired outcome is not so much as to collect the \$1,500 fine but to have the operation of STR's in ELHA to stop. With that we are confirming that this meeting took place and Bob moved that the board to ratify the actions that took place on 8/20/19 and that the Rules and Regulation be updated with the procedure with regards to STR fines. A copy of the updated Rules and Regulations are now on the ELHA web site. Rich seconded and the motions was approved with six in favor and one opposed.

11. A member inquired about a report of someone in the area looking for an "apartment" for rent. Bob noted that the board has been in communication with the attorney of a member who the board suspects of operating a duplex in BLE. The board is still confirming/considering their options on this violation. Multiple units on one lot is not allowed. Multiple units are defined as having a separate entry, living area, kitchen, bedroom and bathroom and which can be locked off from the other unit. Any reports of multiple units will be pursued by the Board.
12. There was a lengthy discussion regarding how Members should handle perceived disturbances or violation by any person in the community. The example cited was a group of noisy and dangerous motorcycle riders recently encountered in BLE. The following includes all confrontations that may occur. The board does not condone any Member taking undue risk in approaching others regarding any incident due to the potential for harm or endangerment and asks that Members gather as much information as possible such as photographs and notes and report to the Board for further action. Immediate, illegal or dangerous activities should be reported to the Lake County Sherriff's office as soon as possible. The Board also encourages neighbors to meet neighbors and establish a community rapport.
13. Annie Stiefel encouraged the community to come together and volunteered to assist with community communications as well as community activities.
14. There are three lots (Filing 2, Lots 93, 94, and 95) which are not accessed by a road. The portion of Mallard Road extending west of Empire Valley Circle was never built. The extension of the road would go through a "fen" wetland and would not be possible. The Board will continue to pursue access option to the lots through easements across other properties. Bob moved that the board explore options to include, but not limited to, the purchase of Filing 2, Lots 93, 94 & 95 by Empire Lodge Homeowners Association that would in turn allow us to create more common ground within BLE, or seek easements thru the surrounding lots to provide access to these lots for the current Members. The motion was seconded by Rich. The motion passed unanimously.
15. Karen gave an update on the pursuit for water rights. Due to storage and release capacities that need to be maintained, a storage partnership would be needed to purchase the Bale Ditch water rights. There is a potential to partner with Pueblo water district to accommodate this. The Board is working through a series of steps to begin negotiations on this arrangement. We also learned that BLE has one of the lowest lease rates on the books with Pueblo water currently (\$251.39/acft). If we were to re-enter a new long term lease agreement (20-30 years), our rates would be closer to the current Pueblo lease rates of \$750/acft (plus annual escalation).
16. Bob noted that BLE will be putting up Lot 91 for sale in the Spring as we have nearly completed working through issues regarding establishing easements for the drainage that crosses the lot.
17. Chipping day has been set up for October 15th. Please go to the BLE website for more information
18. Dena Strader gave an updated on the activities of the Cabin Committee concerning items to be updated and repaired, that there is no income on the campgrounds, lodge, and the Miner's Cabin until the septic system is complete; and that they will be setting up more Cabin Committee meetings.

19. There was a request made for more mailboxes at the lower gate. Mark will explore adding another module to the existing concrete pad place previously. Mailboxes are only for Members of BLE.
 20. The next Board Meeting is on November 23rd and will be the annual budget meeting.
NOTE THAT THIS MEETING STARTS AT 9:00 AS WE MOVE INTO SNOW SEASON.
 21. Bob adjourned the meeting at approximately 9:45._
-

BLE Office Contact Information:

- BLE Web Site: www.beaverlakes.org
- E-mail Address: beaverlakesestates@gmail.com
- Phone: 719-486-0978
- Address: 585 Empire Valley Drive
Leadville, CO 80461

Future Meeting Dates for 2019:

- November 23 – FY 2020-2021 Budget Meeting 9:00 am

Attending:

Name

Address or Lot #

Alaina Gingras
Ann E. Stetel

Jeff & Kim Pierson

Lila Lund

Jonathan Bratz Demetriou Kay

Kristine Pratt

Ben Barbsz

NANCY FOX

mark & Linda Ward

JOHN BARBER

Jim Perkins

ELB Patterson

ROB BORDINE

Patty Taylor

Curtis Over

Brian Rumowski

Ed & Georgie Gardiner

Julia Laster

Janis Lind

Wendy Peterson

Liam Noailles

John Hany

Alama Simons
553 Empire Valley Dr

143 ELK ROAD

381 Empire Valley Pk. - Leadville

88 mallard

133 Deer Rd

160 Empire Cr

85 ELK Rd.

17 ELK Rd

235 ANTELOPE

145 Farmigan

146 STARAGAN

206 Empire Circle

35 Deer Rd.

276 Empire Cir.

44 Beaver Cir

Lots 6 & 8 BLK 9

Lot 8 BLK 11

Lot 10 + 11, 325 Mallard

Boulder 1st

Alley 2, Lot 15.

Attending:

Name

Address or Lot #

WARREN FLINT

29 EMPIRE VALLEY CIR

Austin Clark LLC

36 Gabbro Circle

Hugh Smith

2131 Empire Valley Dr -

Terry Patterson

2443 Empire Valley Dr.

Leonard Glenn Branchley

428 Empire Cir

Suzzy Magee

1256 Empire Valley Dr.

Don Wilkins