

# **ELK SPRINGS HOMEOWNERS ASSOCIATION, INC.**

**April 21, 2008**

## **Homeowners Meeting**

The meeting was held at the Mason and Morse office in Carbondale, CO. Gary McElwee called the meeting to order at 7:00 p.m. In attendance: Gary McElwee, Tiffany Singleton, Charlie Lueders, Yalonda Long, Linda Jackson and Norm Steppe, Bob Anderson, Becky Ciani, Scott and Christy Cary, Jack and Georgia Boyd, Gary and Kathy Morary, Bob and Margot Jardien, Gary and Audrey Krill, Scott Nykerk, Ruth and Jim Barnes, Barb McElwee, Chris McComas, Don Basler, Eric Rudd, Maribeth Woodworth, Marian and Maria Oleksy, Frank and Cathy Harrington and Brandon Watson. Tom Neal, the developer was not present at the meeting.

### **1) Presentation from Kamie Long with the Colorado State Forestry Department**

Kamie Long works for the Colorado State Forestry Dpt. Her office is located in Grand Junction but she works in this area frequently. Kamie explained that her purpose for being at the meeting was to help inform lot owners as to how they can manage their own land in regards to trees and plants.

The first thing Kamie spoke about was creating a defensible space around a home for fire mitigation. Kamie is working closely with the Architectural Review Committee so that homeowners and the committee are both informed of plans for tree or shrub removal on any lot.

Kamie encourages homeowners to create a defensible space around their home by cutting trees and trimming trees and bushes that are close to their homes.

The Colorado State Forest Service has a grant program that will help pay for creating defensible space. Lot owners are getting up to a \$1200.00 refund when they spend at least \$2400.00 in fire mitigation. Contact Kamie for more information on this program at 970-248-7325.

In the event of a fire anywhere in the subdivision, homeowners can use the fire exit by the real estate kiosk on Elk Springs Drive or can get out through the open space and drive over to the Kindall property. One homeowner suggested that we have fire exits and open space mapped out and put on the website and that we also have our web master set up an alert system on the website in case of fires close to the subdivision in the future. Gary said he thought this was a good suggestion and we will talk to our web master about getting this set up.

The second issue Kamie spoke about was the Ips Beetles problem happening all over our state. It is important that lot owners do not trim or cut live trees until the beetle is dormant in the winter months. Dead trees can be cut down anytime during the year, as the beetles cannot live in a dead tree. Beetles are attracted to any site because of cutting or scraping of trees and this is the case in Elk Springs on almost every construction site. Kamie mentioned how important it was to take a tree completely and

immediately off site after it has been cut down for construction purposes, otherwise the beetles will flock to the closest stressed tree, which is probably the next tree over on any construction site.

Kamie left handouts at the office available to any homeowner. The handouts have much more detailed information about the following issues:

Creating Wildfire Defensible Zones

Ips Beetles and

Firewise Plant Materials

2) **Minutes**

The October 15, 2007 meeting minutes were approved with no discussion.

3) **Accounting Matters**

In response to a question regarding the reason for legal fees being higher in 2008 than in 2007, it was explained that at this time, we have spent close to \$1700.00 for legal counsel this year and felt that we needed to increase the budget number in the event we had other legal issues in 2008. One homeowner asked if we have enough money budgeted for the snowplowing for the remainder of 2008. Gary explained that at this time, we have \$20,000.00 budgeted for 2008 and that \$18,946.00 of that has already been used. In the past, we have seen that we rarely plow more than once or twice during the months of October, November and December and that most of the plowing occurs in the beginning months of any year. After discussion, we believe that the amount of money left in the budget for snowplowing will be enough for 2008. During this past winter season, Elk Springs was plowed 26 times and also had to have additional snow removal work due to the very high banks of snow having to be pushed back with a front-end loader hired by the homeowners association. The cost of that alone was close to \$5000.00. During a regular winter season Elk Springs has to be plowed an average of 10-14 times. This year was an extreme winter season. Gary also explained to the homeowners that the equipment used for snowplowing is not owned by the homeowners association, but is owned by him. The only equipment the homeowners own at this time is a brush hog, a swather and the cinder machine that hooks onto the ranch truck (the ranch truck is not owned by the homeowners association). The tractors, ranch truck and the ATV are all owned by the developer of Elk Springs.

Gary explained that he never planned on getting into the snowplowing business venture but was presented with a problem for Elk Springs and he solved it. Three years ago, the snowplowing company that had been plowing Elk Springs contacted the office in October to give notice that they were no longer going to do snowplowing. Tiffany tried to contact other services, but by October everyone was booked for the season. There was a real possibility that Elk Springs would not have had a snowplowing service that year.

The only option Gary felt he had was to personally buy their plow truck so Elk Springs would get serviced that winter. He thought this would be a good option since he would control a dedicated plow service for Elk Springs and could always make sure Elk Springs was plowed first thing in the morning and done right. The agreement has always been not to plow until there is an accumulation of at least 3" of snow. Gary has on many occasions jumped in the plow truck and plowed areas of Elk Springs and not charged for the service. He contracted with the Elk Springs HOA to only plow all Elk Springs roads at the current rates the previous company had in place. Also, there were a handful of residents whose driveways were being serviced by this other company that he assumed and continued to plow. The HOA office has sent emails out every October to see if anyone in Elk Springs was interested in having their driveways plowed because only a very limited number can be plowed.

Gary uses Carbondale firefighters, Tiffany's husband and Charlie to do plowing. Charlie usually does most of the plowing. Gary will plow early in the mornings, late evenings, weekends and even holidays (most recently all day Christmas) if he needs too. This has worked out well because one of the biggest problems we have had keeping a Ranch Foreman was the lack of work in the winter. Now when it snows, if Charlie is plowing that day he works for Gary and gets paid for the day by Gary and not Elk Springs.

Every fall, the office checks to see if there are other plowing services out there to take over the plowing in Elk Springs but everyone else is so expensive and cannot plow our subdivision first. This year we contacted three companies. One never returned our call. One said he wasn't going to do it any more because he wasn't getting paid and one said they would do Elk Springs late in the day because they had other accounts scheduled ahead of us. Their charge was \$145.00 per hr. charged in half hour segments beginning when they pulled out of their driveway. They lived in Silt.

The comments we receive from many of the homeowners tell us that a good job is being done with the snowplowing each winter.

After these questions were answered, the budget was approved.

#### 4) **Transition Update**

The developer had told everyone present at the October meeting that he would be putting in place a Board of Directors by this homeowners meeting. During a recent discussion, it was agreed not to put a Board of Directors in place at this time due to lack of sales in the subdivision and the amount of lots that need to be sold for the transition to take place. We are currently 20 lot sales away from transition to take place and as of this time in 2008, only one Elk Springs LLC lot has sold.

When the time comes for a Board of Directors, several lot owners in the subdivision will be interviewed. Three additional members for the Board will be chosen to serve with the developer and Gary. There will be

approximately 30 positions on different committees for the subdivision when the transition occurs. These committees include the following entities: Elk Springs HOA, Red Canyon Water Company and the Spring Valley Sanitation District.

5) **Old Business**

**Gate update:**

The gates will remain open during all construction hours, which are Monday through Friday 7 am – 7 pm and Saturdays 9 am – 5 pm. The gates will stay closed all day on Sundays. There is an electronic directory on the entry gate side that will have every resident's name on it. When a guest wants to enter Elk Springs, they will scroll through the directory alphabetically until they get to the resident they wish to visit. The name will be highlighted and the guest will then push the call button. The phone at the residents' house will ring. The resident can then let their guest in by pressing "9" on their home phone and the gate will open. The guest can exit the subdivision by driving over the sensors before they get to the exit gate. It will take approximately 5 seconds for both the entry gate and exit gate to open.

If any lot owner has a question about the gate that the office cannot answer, they may contact John at Summit Door Company by e-mailing him at [summitdoor@montrose.net](mailto:summitdoor@montrose.net).

**Speed bumps:**

The existing speed bumps that the homeowners have are very high maintenance. The bumps have been ripped out of the asphalt by the dump trucks in the subdivision for construction and a lot of damage has been done to them. At the October homeowners meeting, there was a committee formed to check into new speed bumps. These committee members will get together next week to look at different types of speed bumps to replace the existing ones. A majority of the homeowners voted to have speed bumps in the subdivision, so the homeowners association has an obligation to have speed bumps put in place. To date, we think the biggest offenders speeding are the residents of Elk Springs.

**Solar Panel information:**

The Design Requirements and Guidelines have been amended to add all of the new Solar Panel requirements. The revision date on the Design Requirements and Guidelines is April 1, 2008.

**Red Canyon Water Management Agreement:**

Gary told the attendees at the meeting that Larry Green has drawn up a new one-year agreement with the same terms as the previous water management agreement stating that the developer is still managing Red Canyon Water Company. We are now on a year to year management contract with a start date of January 1, 2008 and an expiration date of December 31, 2008.

Gary read e-mails sent to the office from two different lot owners who couldn't attend the meeting. Any lot owner can do this for any meeting and the concerns/suggestions will be read at the homeowners meetings. The first e-mail was from a resident asking if the steel posts that line Elk Springs Drive at the intersection of Elk Springs Drive and Monarch Road could be replaced with break away poles. This resident feels that would still create a no parking zone for those who, in the past, liked using that area for parking for cell phone conversations and it would also cause much less damage to people who come sliding down Monarch Drive in the winter due to icy roads and drive into the field. Several residents at the meeting agreed that the steel posts should stay and one homeowner actually stated that heavier duty posts should be placed in that area. The second e-mail was from a lot owner asking about fire mitigation. Gary felt this lot owner's questions were answered during Kamie's presentation at the beginning of the meeting. One last e-mail that Gary forgot to mention at the homeowners meeting came from a part-time resident who would like the HOA to put in small dirt or paved aviation runway somewhere in the development. He suggested blackout times for arrivals and departures. This homeowner feels it would be very convenient and add tremendous value to the development for those who charter or are private pilots in small aircraft.

**6. New Business**

**Changes to the Rules:**

We have recently seen a lot of negative activity on the Elk Springs website forum. One of the common phone calls or website contacts we have at the office are from people who want to change the rules and regulations once they purchase in the subdivision. Most people who buy lots in Elk Springs understand that they bought into the subdivision with the understanding that the lot they bought came with a complete set of Design Requirements and Guidelines and Covenants that they agreed to abide by when they purchased their lot. To protect the homeowners in the subdivision, the rules that have been set in place and written down, must be followed and enforced. Building envelopes cannot be moved and modular structures cannot be brought in.

One homeowner suggested the Architectural Review Committee re-visit the definition of what a modular home really is and that maybe at the October meeting we have a speaker give a presentation about pre-manufactured, factory built, pre-fabricated and systems built homes. Gary said we would get someone to speak at the October meeting about this. This homeowner also suggested that we have only this particular section of the covenants amended so that the whole set of covenants wouldn't have to be re-written. The homeowner thought the idea of not having so much construction traffic on the roads, having architecturally designed, weather controlled built homes, seems to be a fine idea.

We have been told that a person who buys a factory built home pays approximately \$125.00 per square foot and some homeowners in Elk Springs don't feel that to be fair when they spent \$300.00 per square foot to have their home built. These homeowners feel that having modular housing in the subdivision would significantly decrease the market value of their homes.

After control of the Elk Springs Homeowners Association passes from the developer to the homeowner's association members, there will be an opportunity to review and possibly change the covenants regarding modular housing. According to our legal counsel, the current cost to do this is approximately \$20,000.00.

**Booster Pumps:**

One homeowner asked if anyone in the subdivision has had trouble with their E-1 system and why this system was chosen for Elk Springs. Gary answered by saying that some homeowners in Elk Springs are on gravity systems and do not need to use the E-1 system. These booster pumps grind up the sewage and with high pressure, sends it up the street. Every house in line continues the forcement of the sewage to the sanitation plant. This system, designed by Schmueser-Gordon-Meyer, was thought to be the better solution rather than putting in pump stations throughout the subdivision. Dodson Engineered Products is the exclusive distributor of these system booster pumps.

As there were no further issues, the meeting was adjourned at 8:50 p.m.