

**Pawnee Hills Community Association
Board of Directors Meeting
October 12, 2006**

Meeting was called to order at 7:08 p.m.

Board members present were Tina O'Bryan, Walt Day, Patty Sward, Susan Laessig. Pam Schultz is not in attendance this evening.

MINUTES:

We still have to take the time to review the July 13th, 2006 minutes. The August 10th, 2006, and the September 14th, 2006 minutes are currently being worked on by Marji, who is our transcriptionist. So, July needs to be reviewed. I was hoping Pam would give it one shot before I sent it out to the Board because she does a great job with punctuation and grammar. When she gets back from vacation, she is going to look over July and then I will send it out to the Board for approval.

Communications from community members: I just have one. This is a letter that I had received through Chuck Nichols. It is dated October 3, 2006, from Susan Oviatt, 1795 Shoshone Trail. This is a letter that Susan had written for the Board of Directors to sign and return back to her. "Dear Ms. Oviatt, We are in receipt of your letter dated June 22, 2006, stating that your front fence and surrounding perimeter fence was installed approximately June of 1996 by the previous owner. Since your fence has been in place for 10 years, per Colorado statute 38-33.3-123, the front fence does not violate the easement of article 6, section 2 of the protective covenants. A copy of your letter of June 22, 2006, and a copy of this letter will be filed by the Board of Directors. Thank you for your cooperation." And then she wrote "Tina O'Bryan." She is planning on selling her home and wants to make sure this matter is clear. Although we have put in the minutes that she is clear and that we were in receipt of her letter, this is something that she would like us to have on file and to have to hand over to the new homeowner so there isn't any question in the future about this fence.

Walt: Very nice letter.

Board: I would like to make a motion that we go ahead and sign the letter saying that the fence is not in violation, and then keep one for the file and return one back to her. Do I have a second on that? The motion was seconded and passed unanimously. Sandy, I will give you a copy for the file and I will return one to Susan Oviatt.

I do not have anything else for communications for homeowners.

Treasurer Report:

Bank balances: The Checking account is \$3,896.17, Savings account \$8,601.71, Reserve \$11,190.65, Unpaid dues totaled \$2,833.91, CD #1 is \$5,052.79, CD #2 is \$5,055.78, CD #3 is \$5055.78. We should be getting that CD maturing probably before the next meeting. Should we roll it?

Board: Yes. I make a motion that we do roll that CD. Motion was made, seconded, and passed 4-0.

Tina: Anybody have any questions before we make a motion to approve the bills as read? Motion to approve the bills as read, motion was seconded and passed.

Tina: Sandy, do you want to tell us about the Request for Proposal now or later for the bookkeeping services? Let's go ahead and talk about that right now.

Sandy: The communication between the attorney and bookkeeper, that they have to talk about--

Tina: All the paperwork has to be generated from the bookkeeper to the attorney.

Patty: So we have the two page RFP and then the spreadsheet that basically is what happens when we go through that whole process.

Tina: Because it is a big job for the bookkeeper to have because they have to keep all of the paperwork and make copies which gets sent to the attorney.

Sandy: It is going to be part of the entire bid – the spreadsheet showing everything that is handled regarding past due notices.

Walt: As an attachment.

Patty: Right, exactly, as an attachment. We will call it attachment A or whatever.

Board: So, November 20th is the deadline to have the bids back.

Patty: If you guys can get these and then I will attach the spreadsheet and I will get them over to you tonight so you can read through it--

Tina: Okay, so all we are doing now is, you are going to send these spreadsheets and the RFP to all of us--

Patty: With the changes we already discussed.

Tina: Then if we all e-mail you back saying "I love it, it is okay," then that is what you guys are going to run with, is that correct?

Patty: Right.

Tina: So, we are still in line then. We are talking about a Request for Proposal to look at other prices for bookkeepers. It is not that we are not happy with our current bookkeeper, but we want to do our due diligence.

Tina: One thing that I needed to bring up, Patty, there apparently was a statement made regarding Susan Johnson and the limitation of her software and the limitation of her invoices and I need to clarify that. Because I remember years ago when we were thinking about changing the invoices, Susan Johnson, or actually, Pawnee Hills invoices that she developed, that we were talking about it but we never did get back to her and say, "These are the big changes that we would like to have done." So, what was a misunderstanding, that she was either incapable of making the change because of software limitations or that she was unwilling to make that change.

Patty: I never said she was unwilling. My understanding was that it was a software issue but I am not sure that the structure we are talking about now was ever approached with her.

Tina: This is what I wanted to make sure, that I clarified this, because within the bid process, Pam has left this up to me and I had an understanding that I didn't want anybody to think that her software is limited in any way and that she has changed our invoice quite a bit since the SB100 and SB89 came in, so she--

Patty: So she may be able to do the invoice up the way we want her to do?

Tina: Absolutely and she has already. If you look at our new invoices now, they are completely different than they were years ago.

Patty: I don't see it. I mean, I don't pay the bills, so I guess I will have to pull them out and look at them.

Tina: If you pull them out and look at it, it is like night and day. You would not believe the changes, so there isn't any limitation that she has as far as her software goes or the limitations she has with design of the invoice and she is willing to make whatever changes and she actually has--

Patty: We will just need to show-- see what we are looking for in the --

Tina: Right, and she actually has made changes--she suggested changes regarding, adding a change of address section on the invoice to make sure that people have a chance to fill that out. She is the one that added that, asked me if that was okay, and so she has brought a lot into the invoice that the Board has never thought about. But I just wanted to clear that up because I didn't want bad information to go out while you guys are working on the RFP. Anything else regarding the treasurer that we need that anybody can think of?

Patty: No, I think we just need to look it over.

Patty: Okay, because we really need to get this out and I think that we need to just finalize but I would like to get it out no later than Wednesday.

Sandy: Are we going to mail that?

Tina: I don't know. I like Sandy's idea. Sandy said she was actually going to hand deliver it and then she could actually see what the office looks like.

Patty: Oh, that's a good idea.

Tina: I thought that was a wonderful idea that she had. If she is willing to do that, I think going to their office and handing the RFP to them and then letting them know exactly what the deadline is.

Stephen: What about the invoice showing the total amount due each month?

Tina: That is actually being done right now, not exactly on that invoice but there is an invoice that goes out separate from your regular \$43.05 invoice. That is an actual running total but we can make whatever changes need to be done. All we have to do is ask her.

Stephen: One invoice per person per month.

Tina: But realize that there is still a second invoice that has to go out after the 16th because it is the middle of the month, so there will still be the two invoices but the person that hasn't paid is the only one that will get that second invoice.

Patty: So then they have to have that notice stating they are behind?

Tina: Absolutely.

Patty: So it is mid month?

Walt: The running total should be on there absolutely--because otherwise it becomes very confusing.

Tina: Yes, it will go out that way. Like I said, we have to guide the bookkeeper on what we are requesting so that will happen. And Sandy, you are willing to go ahead and drive those RFPs to the bookkeepers?

Sandy: Sure.

Tina: Okay, that would be great.

Sandy: I will just write "Delivery."

Tina: Thank you Sandy, I appreciate that.

Facilities Report - (Cynthia was not present but the information was reported by Tina)

Wood Protectors, we will start with that one first. They had a proposal to go ahead and do the power washing for the clubhouse deck, bench, front porch, stairs, the fence inside and outside of the clubhouse, and then the deck cover support and the pool deck. So, we had a bid and I sent this proposal out to the Board members and we got this approved via e-mail because he wanted to start this right away. Well, the weather kind of caused a bit of a problem, so basically, what we are looking at is, for all of that work, his bid is \$2,670. His old price for doing that was \$2,967.

Patty: That's less than the last one?

Tina: It was less than what he did for us last time he did this, so we went ahead and approved that via e-mail but I would like to go ahead and get this in the minutes. I would like to make a motion to approve the Wood Protector bid for \$2,670.

Stephen: It is just power washing the fence?

Tina: No, I don't want to call it a stain because it is more of a protector than it is a stain and he is going to start soon. So, we need to, of course, sign the proposal and then we need a check made out to Wood Protectors tonight because he will be paid upon completion of the job and that way--I will put that in a folder for Cynthia and she will have it upstairs and she will pay him as soon as she is happy with the job.

A motion was made to approve the Wood Protector bid; the motion was seconded and passed 4-0.

Stephen: Does he show a square footage on that?

Tina: He doesn't have the square footage on that, he just has what all he is going to be doing and the price he will be doing it for.

Susan: Can I ask a question now that we are on the back end of this and I should have asked before, but when was the last time we did this?

Stephen: About three years ago.

Tina: I think you are about right because it has been quite a while since he has done this. He is going to actually leave us some product, a little bit of product, and see if we can do the entrance sign at the mailbox shelter.

Walt: We had a volunteer to do that, didn't we?

Tina: There is a homeowner who volunteered to stain the entrance sign if we got the product. They had done it before for us and he said he would be willing to do it if we got him the product. He would just charge a little bit of money for his time to go up there on a ladder and get it done. So that would be great.

Tina: We are actually getting a deal this year because the product has gone up, everything has gone up and he is charging us less than what he did three years ago which-- he is being very gracious. We are hoping to send some business his way throughout the community.

Patty: When we did it last time it was during the pool season and it kind of stunk. It is good to do it now.

Tina: TruGreen bid. That was the one that I also e-mailed to you guys and had you look over. With TruGreen, and this is why I like TruGreen so much, is that they guarantee their work and so if we are not happy with anything, they come again at absolutely no charge and they don't even charge for product or for manpower. A lot of places, they will say, "We'll come back." But you have to pay for the product. They also will send a manager out here to go over everything if there is something that we're not happy with.

Susan: I have a question on the whole TruGreen thing and I forgot my bid, I'm sorry, it's at my desk at home. How, I mean, this is a lot of money and I know that we would need--just hear me out. I know that we need to maintain everything but do we have to have somebody here--I mean, a lot of this stuff we could do ourselves. A lot of this stuff--

Tina: Who could do it ourselves?

Susan: The facility manager could.

Tina: With the chemicals? Not being licensed? Well, that's a Workman's Comp situation.

Susan: Anybody can go to Home Depot or Lowe's and buy--

Stephen: You can't just--

Board: Okay, wait, Steve.

Susan: I'm not talking TruGreen chemicals; I'm talking the kind of chemicals that I use in my yard.

Susan: Could we look at--I don't know, I would just like to see if we could try and compromise and have TruGreen less often and try and do some maintenance ourselves. I just know that--

Stephen: Anybody here can buy 99% of the chemicals that I have used commercially. You have to get a license to do the chemicals and you can get, it is just you have to spread it on your own. You can't do this for hire. You can go down and buy the same chemicals I buy--

Tina: I understand that, Steve. But my concern, in protecting Pawnee Hills as a community, is having an employee of Pawnee Hills use a chemical, hurt somebody, do something to themselves, whereas if you have a professional company come out there, they have got liability insurance and they are responsible. I am looking at, not so much whether somebody is capable of doing it. I'm sure a lot of us are capable of doing it. But realize that if something happened when using any type of chemical, that --

Patty: Or kill a tree like I did.

Tina: Yeah, or kill a tree or do something harmful that would cause us a Workman's Comp situation or a lawsuit situation, so I do understand that you can--anybody can do this stuff.

Patty: Let's do this. Let's table TruGreen for now.

Tina: So, I can table that and I just want to also say that Cynthia had a really good idea in the fact that we don't so much have to get bids as much as we have to get a cost analysis. So, she is willing to go out and get a cost analysis on, say, what TruGreen is offering and go and ask another company and see what they would do. Part of our problem is, you've got to remember, guys, and not you, Stephen, because you do vegetation management and you are right in our back door, but realize that we cannot get a lot of contractors to come out here.

Patty: I have one question. Who is going to do the cost analysis?

Tina: Cynthia will. We know what we are getting with TruGreen and ask them and maybe get more information from another company that says, "What about this and what about this and what about this?" So, maybe there is something that we could do on that piece. So, I am willing to--

Susan: Do we have to do applications every year, could we get away with every other year? I'm just trying --

Tina: I'll tell you what happened, Susan, and this is a good question. There were years when we didn't do stuff and then what we had to do was play catch up.

Susan: Right.

Tina: So, we are trying to make sure. We haven't done as much as we used to do but we are trying to keep everything just maintained.

Susan: Right, but when you are talking about "there were years," there were years that it went five or six years with nothing done and I'm talking about every other year.

Patty: Only one comment --

Susan: And I don't know.

Patty: Let's have Stephen comment on this, we are controlling some of the noxious weeds out here. You can't do that every other year.

Susan: Okay, that I will go for. But some of the other-- no. Some of the other stuff I am asking and what about the barn. I mean, do we have to do that part every year?

Tina: TruGreen doesn't do anything at the barn. This is all just clubhouse. We get Stephen to do the barn stuff.

Susan: Is that just the median and clubhouse?

Tina: Let me look and see. Yeah, it is the median.

Sandy: Just for your information, they came out and they sprayed for broad weed on August 18th and we paid \$75 for that. They came out again the sixth week, sprayed for broad weed, charged \$75, and they also said they sprayed for broad weed and fertilized and they are charging \$45 for it. So I mean, it is what, six weeks in between?

Tina: This is just a bid for all of 2007. I'm sorry, did I not--

Susan: I know it is, but I still think, if that is what they are spraying for that much area, I just feel like that is a lot of money when we are spending money in so many other areas right now.

Tina: Okay, so do you--

Susan: We've got to do some cost analysis and look and, are we getting the best price and do we have to do this much at a time when we are spending so much other money with attorneys and things.

Tina: We budgeted it in for 2007 and so it is a --

Sandy: I mean, maybe, you know, like Susan suggesting maybe spraying every other year, maybe we can still spray every year but not as much. I mean, why do we need to have broad weed sprayed every six weeks?

Patty: And that's a question that we have.

Sandy: Same type of a thing, I mean, maybe spray broad weed once in the beginning of the season and maybe mid-season, I don't know how often.

Tina: Well they do-- okay--

Patty: Hold on. Let me ask Steve a question. If I remember our conversation from a couple of years ago, if they spray in the fall, that is it.

Tina: They spray in the spring and the summer here.

Stephen: Once it greens up everything and you can do it even before it greens up you can spray. You can hit it again if there is anything that breaks through in the fall.

Tina: We had just a spring broadleaf weed control for \$45 and this is just in the spring and then another \$45 for the summer. This is again, just the bid for 2007 here. And then they have the root zone fertilization in the spring and then they have an insect and disease control in the summer and then they have in the fall a root zone fertilizer again and then they do the aeration and then they do the pine engraver beetle. So, if you want me to get, I mean, I don't know what you are asking for. Are you asking for Cynthia to get a cost analysis on this or are you saying that you don't want to do the root zone fertilization in the spring but only want to do it in the summer. I'm not a professional so I can't tell you.

Susan: I'm wondering how much we have to do. Steve, maybe this is a question for you. How much do we have to do to maintain, not to keep this at a Stroh Ranch or Highland's Ranch quality, we are in the country-

Tina: This is not Stroh Ranch quality.

Susan: All I'm saying is, what do we have to do to keep it--we are in Elbert County--at some maintained--

Stephen: For instance this little piece right here. I would put a little fertilization in the spring. There's a time release and it will last all season.

Stephen: That's what I use on mine with a time release. It lasts all summer.

Tina: Would you do it in the fall?

Stephen: You don't need to fertilize in the fall. We don't have anything up here.

Tina: Well, this is for the median also. This is for the clubhouse and the median both.

Susan: That's what I am asking you, what do we need to do?

Stephen: For the median right there? I sprayed that.

Tina: For weeds? We are talking about fertilizer.

Stephen: Fertilizer? Why do you want to fertilize those?

Tina: I'm just saying that is for the clubhouse and median. I can have a representative from Tru-Green come out here. Would that be better?

Susan: What I would like to know is what Steve--

Tina: But Steve may not do everything that TruGreen does.

Patty: I know, but I want to pick a little bit more of Steve's brain. I understand what you are saying. Maybe later but I'm not ready to meet with TruGreen.

Sandy: Typically, it is the Arbor Care that comes out of TruGreen. Arbor Care is a different bid.

Tina: Yes, it is a different deal. This is just for--

Stephen: They came out and did all that stuff and everything and charged a total of \$200 plus. Okay? Well, I come in, what, a month before that and I trimmed these ones out here. And so I'm out there doing those apple trees in the median. I mean, anybody could do what they are doing there.

Tina: No, because we had a homeowner trim the trees in the median and they almost killed some trees.

Stephen: Well, those apple trees out there--what you want to do on those is just trim off the offshoots. You've got the ones that come up along this, that's the ones you trim off. I mean, maybe they didn't do it right.

Tina: Well, that could be because we haven't had them come out yet.

Patty: This is a different conversation. I have two questions that need to go to TruGreen before we meet with anybody. The first one is, what is the schedule on the beetle.

Stephen: What are they treating with?

Patty: Well, what are they treating with and what is the schedule? And don't volunteer or mention to them. I want them to tell you and --

Tina: Well, I can't give them any information, so-

Patty: Well, what I want to do is find out if it is bullsh__t.

Tina: Okay. What is your next question?

Patty: The question is, when they do the median, what are they doing with the median.

Tina: If they are doing it. I'm not sure.

Patty: And why.

Stephen: Now granted, this year, I treated that median out there and we did get some breakthrough and we had a ton lot more rain this year than we normally do.

Tina: Okay, anything else, Susan. Do you have anything?

Susan: You know, I just want to know how often we absolutely have to do it, and I don't really want to meet the TruGreen representative to figure it out. I'd like to just do some research.

Tina: So, are you going to do the research?

Tina: And that's the other thing, Steve, while we are talking about this, if you are going to do any work for us, for 2007, we definitely need to get a bid from you because we don't have anything right now. It would be great if we had that because we need to put that in for our budget for 2007. And your liability insurance. Not only for 2007 but for 2006 also, while I'm thinking of it?

Stephen: I got the paper. I haven't filled it out yet. I've got it, though.

Tina: Okay, that needs to be done. That's another issue but I wanted to catch it. So basically, I just have the two questions for TruGreen?

Susan: I just want to know how often we absolutely have to do this.

Tina: Who am I asking? I mean, I'll ask them but, you've got to help me here. I don't know which direction you want me to go.

Susan: Basically, these things should be done. Because they will send somebody out every season if you...

Tina: And if Cynthia was here, this conversation would be going a whole lot better, you understand that. Because she has a better understanding of this and what they do and what we have done in the past. She could shed a better light on this than I could ever do.

Susan: Before I want to spend that kind of money, I just want to know, is there a way we can decrease it? Can we do less and be okay.

Tina: Next subject, Susan Johnson is working on our liability insurance and information for the Workman's Comp audit. Cynthia has contacted many of the companies that we don't have a liability insurance piece on and, it's not that we don't have it filed up there, it is just that we are not exactly sure where it is all at.

Tina: We just need to make sure we have whatever we need to for the audit. We need to make sure that that it is done correctly. So, we should probably get some money back from our Workman's Comp on that, hopefully this year, but we just don't know until we get the Workman's Comp audit finished. This is for last year. Now we will be having from this point forward our Workman's Comp through State Farm so Jason at State Farm will be taking care of all of that stuff for us and what is going to happen is, Cynthia is going to contact Jason and say, "What paperwork do we need to make sure we have that contractors need to fill out so that we have this ready for you for the following year." So she is going to take care of that piece.

Tina: American Leak Detection. This is basically what they found; I am just going to read this. They performed a pressure test on all pool piping. The skimmer and return lines held pressure indicating no leakage is present. The main drain line failed the pressure test. They performed electronic tests on route of piping and located the leak area. They performed dye penetrates test on all accessible structural points including cracks, fittings, and equipment. They located leakage at the skimmer throat and the pool shell junction. Both leak areas were marked and identified to the customer.

Board: When was that done?

Tina: This was done 9/21/2006.

Homeowner: Tina, what is the pool shell?

Tina: I have to find it again, sorry.

Homeowner: I thought you said pool shell.

Tina: Skimmer throat and pool shell junction. It is just the junction. From what I understand, and again, this would be better if Cynthia was sitting here talking because she does a lot better job. My understanding, it is not as bad as we thought, okay? That it can be fixed. And that American Leak Detection would be more than happy to fix it but they are about two to three times more expensive than Sunshine Plus Pool. They are the actual pool company that takes care of our pool right now and they said they can fix the leak in the spring. Our plan is to have them fix it in the spring. We don't know how much this is going to cost yet. There may be a little bit of concrete removal but it is only a little patch. They have marked the spot where that leak is and it is only a little patch that they have to go down into to fix that leak. So, Cynthia has contacted Sunshine Plus Pool, has said, "You are going to come back in the fall and fix this. You can do this." And their response is, yes. Our fallback, though, is going to be American Leak Detection. It is going to be more money but we have somebody to fix it.

Susan: What is American Leak Detection? Do we know how much it is?

Tina: We don't know how much that is so I will talk to Cynthia and make sure that we try to get some sort of bid. Of course, it might be time and materials because they are not sure what they are going to get into until they actual get into it.

Walt: Neither one of them have given us a price but we know it is two to three times more expensive?

Tina: They gave Cynthia a time and material price and I think American Leak Detection was out here and said, "Oh, honey, we can fix it but it is probably going to be two to three times more than anybody else can do it." And Sunshine Plus Pools has been with us for years and they have done work for us in the past. But, we just wanted to get this part reported in conjunction with this other thing, so, Cynthia will be getting bids on this and then try to make sure that they get scheduled. So, the next step for Cynthia is, of course, the bid, and she is probably working on them right now and I'm probably doing a real crappy job doing her report tonight but, there you have it! I think that is all I had for Cynthia's report.

Tina: The state of Colorado sent Pawnee Hills Community Association a letter, I am going to go ahead and read it. It was dated October 2, 2006 regarding illegal discharge to state waters, Elbert County. 'Dear Ms. O'Bryan: A concerned citizen has reported to our office your subdivision's swimming pool is leaking and contaminating the ground water. This is an illegal discharge to state waters. Please be advised that a discharge of this type without a permit to discharge constitutes a violation of the Colorado revised statutes which state, "No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge." Such violation is subject to formal enforcement action by this department including the imposition of civil penalties of up to \$10,000 per day. The division is currently reviewing this matter to determine the appropriate level of enforcement action. Please provide to this division by October 18, 2006, a written response as to the manner in which you have taken or will take to cease this illegal discharge. If you have any other questions regarding this matter, please feel free to call..." So basically, what I am going to do is I will put a draft letter together for the Board to approve. I needed this report from American Leak Detection, just got that tonight, so basically, I am going to attach this copy and let them know, first of all and foremost, the pool is drained, there is no leakage currently; that this is what action we have taken so far by having somebody come out and find out where the leak is, and then our next step is going to be to have this fixed before the pool opens and I will write in there something about if you require us to give you the information once it is fixed, we will send you a copy of the invoice, that it has been fixed and the job has been completed.

Patty: Do you need his phone number?

Tina: Oh, he's got a phone number here.

Tina: I think they also have to follow up to the complainant and let them know that we are taking care of this matter.

Walt: But I would like the state to respond back to the complainant letting them know this was a false complaint. Understanding what he did--

Tina: It is not false to them because they are thinking what we have is a leak in the pool.

Patty: No, no, no. Walt's comment was, Bob knew we were on it. Bob knew we were working on it.

Tina: Well, we don't know this is a Bob Rowland thing.

Patty: Well, and we are making an assumption. We are making an assumption that the homeowner that made the complaint is well aware that we were in the process of discovering the leak. We were aware of it. We were working on it diligently. Therefore, this was basically - it was harassment.

Tina: Okay.

Patty: And as you said, the state has no way of knowing that but the point is, we can request that the state respond to the homeowner because the Board of Directors has been open about this issue and has been working on it since it came to our attention and the homeowners are aware of that.

Tina: So you are asking me to say to them--

Susan: No, just simply lay it out.

Tina: I know, but you know what? Does it matter who sent it? I mean, the Pawnee Hills responsibility is basically to clear up this situation, whether--

Susan: And here's my point, sorry. I don't know that we want to tell the state that we have been working on this problem and the pool was open.

Tina: Let's not make it more than it has to be. The state received an inquiry saying there is a situation here. Their job is to send a letter saying, "Give us what is going on." We give them the information back and we are done. I don't want to get into a big long-

Susan: And how long have you been aware and--

Tina: Yeah, and why is it taking you so long. Well, it takes forever out here because we are just a bunch of volunteers. They don't want to hear all that. All they want to know is, did you take care of the problem and if so, we will close this file and let's move on.

Susan: Mail certified?

Tina: That is a good idea.

Tina: And, as far as, if you want to write this down, this statute is actually what they consider the violation-- you are asking what the definition is? I would say it would be in the statute.

Susan: The definition of pollutant because, well--

Tina: Well, because it says here, "...constitute a violation of the Colorado revised statute which states no person shall discharge any pollutant into any state water from a point source without first having obtained a permit..." but there might be more in--

Susan: Any pollutant and that is what Brian was saying, what do they consider a pollutant.

Tina: Then I would just, call this guy. Let us know. I mean, if you guys want--I think it is a good question to ask but you should just call them directly and ask what that means.

Walt: They will have some more information on that statute telling you--

Tina: I would think so. I would do that. Because I think, I'm sure it says more than just that little piece in that statute. Absolutely.

Susan: It would just be nice to know. I guess, Brian, maybe your point would be, are we even in violation--

Walt: Probably not.

Brian: First and foremost, are we actually in violation of that statute?

Tina: It says, subdivision swimming pool is leaking and contaminating the ground water, so the complainant has identified what chemical is going into the--

Patty: Not necessarily.

Brian: Some people don't use chlorine. Could be Kool-Aid or whatever. They don't know what you've got in-- I would just follow up on it and for you to give them the information so, yeah,--

Tina: So they can close the case. I'm sure once we send the response back it will be a done deal and they will be happy. We will just tell them this is what we are doing and I think--trust me, if we have to get more involved, we can show them minutes and all kinds of stuff that show we have been doing our job, so, we are good.

Committee Reports:

Architectural Control Committee (ACC) - Judy Trawinski
We haven't had any submissions.

Activities

Karlene Herbrand let me know that they are going to have a Halloween party for all ages on Saturday, October 28, from 6:30 p.m. to 8:30 p.m. and they want the homeowners to bring all of their goodies that they would give out to kids for Halloween, since we really don't have trick-or-treaters, to just kind of bring a bunch of goodies and stuff to the clubhouse at 6:30 and then that way, they can pass them out to everybody as kind of a trick-or-treat here. They are going to have games, hot apple cider. They are going to have a bunch of prizes. They say they will do, for the costume contest; they will do certificates to Toys R Us, that type of thing. So, what she is going to do is she is going to have a big poster that she is going to work with Darren to put it behind the glass so it doesn't get marked on taken down, announcing that. I wish we could put it in the newsletter and get it out there but missed our deadline.

Board: When is the 31st, on a Tuesday?

Tina: Yeah, it won't make it. It won't make it in time. So, hopefully, people will see the poster up there. She is going to have it all done and it is going to be real big and so that will be really good.

Board: Couldn't we put it on the website?

Tina: Yes, I'm sorry. That's the other thing I was going to do. Thank you for reminding me. If Sandy could put that up on the website and if you want me to just write up the information for you or if you've got it.

Sandy: I've got a couple of notes.

Tina: Okay, there you go. So, the other thing was, Karlene is going to call you regarding the pictures of that rodeo, stick rodeo thing and she was having troubles getting it on but I told her to contact you because there were passwords. She was actually trying to put it on the website and couldn't.

Walt: Obviously.

Tina: I told her to give you a call because she does have the Release for the pictures to go on the website. They are going to try to do the same thing for the Halloween deal.

Buildings & Grounds - Stephen Gile. No report.

Covenant Committee

That has just kind of set aside right now.

Directory and Welcoming

I haven't had a chance to do the sign-up sheet for the directory yet to send out to everybody for people to sign up for being put in so I will have to get that done.

Equestrian - Stephen Gile. No report.

Newsletter - Tina

Patty had a really good idea regarding agenda items for January's homeowner's meeting and so I think what we need to do is to let everybody know, the homeowners know, that if they have something that they want to have on the agenda at the January Homeowner's meeting, that they need to get it to us by a certain date. It has to be 30 days ahead; we usually have it at the end of January. I would say, like December 15th. I think that gives us a pretty good time to get a grasp on it and decide if it is something we want to get on the agenda. They have to have it submitted to the Board of Directors in writing no later than December 15th. I think December 15th gives us enough time.

Susan: I think we need to utilize the website every time we utilize the newsletter.

Tina: That's fine. She can just take what you write on the newsletter and cut and past.

Susan: Oh, okay.

Tina: So, whatever you write on the newsletter--

Susan: I'll send to you.

Tina: That makes it easier for Sandy. Anybody else have anything that they want to put in the newsletter?

Tina: I know your plate is full, but we had talked about creating a newsletter that had sponsors to it so that they would pay for our newsletter being done and we just had advertising on it, you know, that type of thing, so that is kind of an in-the-future look at it but I think we are good.

Walt: Also, a lot of realtors are taking over people's directories and they will do your directory for you and maintain it for you every single year as long as they get to put an advertisement in it.

Tina: Can you do that, Walt?

Walt: I already have a directory! So my dollars would be wasted!

Tina: Well, do you know somebody that would do that?

Walt: Yeah, there might be somebody at RE/MAX that would be willing to--one of my team members might be willing to do that.

Tina: Alright. I'm writing you down.

Walt: They get the list of homeowners from the bookkeepers and whichever ones want to be published, they would publish it for you every year and they would stack a page of advertising in there.

Tina: That's not a bad idea.

Walt: They pay for the book.

Tina: That would save us some money.

Walt: And he gets the name and number of everybody in the community.

Tina: That's okay. That's a good deal. That's okay; I'm putting you down then for that piece.

Nominating

We don't have anything but if anybody knows of anybody that wants to be nominated for our 2007 election here, besides Susan and Patty that they are more than welcome to contact Pam Schultz.

Website - pawneehillshoa.org - Sandy Perry

We bought a scanner. And I have been putting the requested information from the board onto the website. Even though there aren't very many people visiting the website...

Tina: Well, everybody needs to just start going there. Sandy is working so hard--

Susan: And maybe we need it in the newsletter for them to visit the website.

Tina: I think people know that there is a website but what they don't know is what is on it. They don't know that the full bylaws and covenants are on there--believe it or not; I had someone call me and ask if they could have alpacas.

Board Business

The changes/revisions to the rules and regulations regarding Senate Bill 89 were discussed. Motion was made regarding making the changes and additions to the revised rules and regulations from Hindman Sanchez. Motion seconded and unanimously passed. Those changes will be given to Hindman Sanchez for final revision and the board will vote on the final version for adoption.

Tina: I would like to real quick-like go through a couple things here. The Board of Directors had requested a legal opinion from our attorney, Mulvihill and Fruhwirth, Cheryl Mulvihill, regarding commercial activity and the response back was from October 6, 2006 regarding commercial activity. "Dear Board: We were asked to give an opinion about the definition of commercial activity as it relates to residents of Pawnee Hills. In our opinion, any operation for a profit business or activity is prohibited. We examined Colorado usage of the term "commercial activity" as used in Colorado documents, statutes, and as interpreted by the courts and report the following. In the several cases we have reviewed, the expression "commercial activity" was uniformly applied by the courts to distinguish for-profit activities from all other permitted residential or charitable activities and property uses. A review of the case law in Colorado and other states defines

commercial activity as any activity regularly engaged in for the purpose of earning a profit. Clearly, the operations of any for-profit business within Pawnee Hills property, whether it be sale, labor, manufacturing, or otherwise, is therefore prohibited by its covenant restriction against commercial activity.” And then it gives us some examples and she also gave the cases that she reviewed and the definitions that she had for commercial activity. Bottom line is, any operation for-profit business or activities is prohibited.

Patty: Why were we looking into the definition?

Tina: The reason why we were looking into the definition of commercial activity was the declaratory judgment. We had a meeting, our special meeting, to try to pass the home occupation deal. Of course, it failed. At that meeting, we had homeowners that said, “Why are we even doing the declaratory judgment and what is commercial activity?” “I don’t think I have commercial activity so I’m okay, so why are we even doing this? Why are we even trying to clarify this?” So then that got us to thinking, well, what is commercial activity? And maybe what we are thinking commercial activity is like Big-O Tire. We don’t have Big-O Tire so why are we doing a declaratory judgment here anyway? So, in finding out what we have found out here, which is a good thing, we have now realized that. So we have a clarification. It is in black and white of what commercial activity means. I don’t know if any of the Board members have any questions about the definition or, you know, we haven’t really talked about that. We have discussed it. Steve Richardson who had a farrier business says, “I don’t have commercial activity. It is not considered commercial activity.” In this definition, it is.

Homeowner: What is he doing?

Tina: He has a farrier business.

Homeowner: As long as he doesn’t do it in his house.

Tina: No. It says, “Any operation for a profit business or activity is prohibited.

Patty: No, no, no. The point is that now we are getting into some of that gray area, Steve, because, he does not do the occupation off premise. He does all his bookkeeping and that kind of thing very logically in his home. So, that is going to fall in a gray area, and Tina’s example she has been using is, what about the lady who sells Avon down the street? Because she does have product in her house and she is selling products at her house.

Stephen: That is more of a commercial than a farrier business.

Tina: It says “any operation for any profit business within the Pawnee Hills property”. Again, the operation of any for-profit business within the Pawnee Hills property, whether it be sales, labor, manufacturing, or otherwise, is therefore prohibited by its covenant restriction. So, the reason why we even started this--I’ll give you some history. The reason why we even started the declaratory judgment is because Steve Richardson was turned in for having a farrier business. That is when this all started because, according to the law, whether you want to agree or not, we don’t have to agree, but according to the law and our lawyer, he is in covenant violation because he is not allowed to have commercial activity.

Tina: The Board has information in our hand. Right now, our decision isn’t-- we are not deciding whether Steve is or isn’t or you are or you aren’t or whether the Avon lady needs to be kicked out. I will tell you right now that, according to our attorney, he is in violation.

Patty: Give me a break here a minute. Under what Steve is saying or what Cheryl said here, he does not operate. He may do the bookkeeping here, but if he is not doing the actual farrier service, he is not delivering his service on the premise.

Tina: If he has a product that he brings to market, a service that he takes to market--

Patty: I have a service I take to market. I work for Oppenheimer Funds.

Tina: No, you are not understanding. It is Steve's farrier business. He owns that-- it is a business that he runs out of his home.

Susan: Now, he may do the operation portion of it but, this is what we are saying, this is all minutiae. If he is not actually doing the farrier work on premise, if his truck is here and he leaves with that truck and that farrier service is delivered elsewhere, he doesn't make those shoes.

Tina: Okay, let's go backwards then. He runs the business from his home.

Tina: Okay, let's take this piece completely out of it, okay? Let's not even--with just even this piece of information, okay? Avon. So I'm looking at, not so much about Steve Richardson right now or Stephen Gile or for Avon. Let's take that whole thing out of it. I'm saying right now, with the definition that we have right now, the question was, do we keep the declaratory judgment on hold or do we continue it?

Homeowner: We have to go forward.

Tina: So my thing right now is, this Board isn't here to determine whether Steve is or isn't in commercial activity. We have to actually find out all the information from him and send it our attorney. The declaratory judgment is going to solve that problem.

Susan: Okay, I have a question and we haven't sat down. I wish we would have discussed this prior to this meeting. We are asking the judge to do something and we are asking him to do something that is in violation of our covenants. We are asking him to allow commercial activity.

Tina: No.

Susan: For those people who have been allowed to have commercial activity because the understanding within the community was that the covenant change had happened. They are already a special class. We are asking the judge to further decline that. Now, do I agree with it? No. I think we need a change in the covenant. But--

Tina: But do we have that?

Susan: No.

Tina: No.

Susan: No, we don't. But I think we have to take what we have. I just think we need to sit down and truly discuss this.

Walt: The way I read it right now, I could open a church in my backyard and it falls inside the covenants because it is a non-profit. So it is not for profit so I can have a church with 100 cars in my backyard and you can't do anything about it because it is all in the covenants? That is a bad definition.

Susan: In the whole picture--

Tina: Okay, what we have to fix is this 1998--

Patty: We know all of that! We don't have to go through it again.

Tina: We are not going to solve this commercial activity situation and definition tonight. What I am trying to solve tonight, is, do we or don't we put the declaratory judgment on hold. I think we need to keep going with this. The reason why I feel we need to keep going with this is that we have a situation, a mistake that happened in 1998, that our solution to the problem is to grandfather the people that currently have the businesses now, they would be grandfathered in--

Susan: We are protecting those people that are here now.

Tina: Because see, we x.

Susan: All we are doing is protecting those--

Walt: What are we protecting them from?

Susan: Unfortunately, from ending up having to go to court to close down their businesses.

Walt: I can still sue them and take them to court and have them shut down their business because they do not fall in the covenants. The declaratory judgment does not supercede our covenants. Now granted, the Board isn't going to be suing them but me, as a homeowner, I can sue anybody I want for that--

Tina: But the Board in Pawnee Hills is not responsible for that. That is what I am trying to avoid.

Walt: We would be responsible for the declaratory judgment. Which could be illegal.

Homeowner: Exactly.

Tina: We've got two attorneys and we have a judge who states that the declaratory judgment will solve our problem that we made in 1998, okay, and grandfathers those people in that need to be grandfathered-- granted, we are going to keep trying to work on getting something passed here, guys. I'm not saying that this is dead.

Walt: And once we pass something, it circumvents the declaratory judgment, so it is gone.

Tina: Right.

Tina: What I am thinking now is that, we have to solve our 1998 problem. Now, you know, we have asked for legal opinion on how do we fix this. We have got the answer back by doing a declaratory judgment. We can't go after people after we have allowed this situation to happen from 1998 to now. So, our best solution to this problem is to grandfather those that have it and, as soon as those people-- say there are five people that get grandfathered in the whole community, alright? Once this is done, you have a new homeowner moving in. Well, that new homeowner is definitely going to know because I am going to put it all over the website and then some. Guess what? You can't have it. So don't even think about having it. Because I would hate for that new homeowner to come in, have a business for three years, get turned in, and this Board has to go to court and say you have to shut down your business that you are paying your bills and living your life off because it is against our covenants.

Homeowner: The only concern that I have with all of this declaratory judgment; it is not even a good solution. It may be our only solution right now for a portion of the problem. It does not solve the problem. It may put a Band-Aid on it.

Tina: I know, but tell me some other way to go because I am missing it. Go ahead, Stephen.

Stephen: First of all, I keep hearing as though with this mistake we made back in such-and-such about this, I've only been here since what, '04? I read the covenants. I knew when the bylaw changed. I didn't know-- a certain bylaw change is not a covenant change.

Tina: Well, I'm glad you did, Steve, but guess what, this Board and this past Board didn't know it. And I wish you had brought it up back then in 2004.

Stephen: Okay. Second thing, and if I have read the statutes right, if that judge gets his statutory judgment, for that thing to go through, that judge would solve the problem once and for all, period, no if, and, but about it, if it's not going to do that then he has to, by statute. In other words, we have misdirected all of this money.

Tina: It is going to solve the problem of the homeowners that have had business since 1998--between 1998 and 2006. It will solve that problem.

Walt: But if this declaratory judgment comes out and we ask the people of the community to fill in what jobs they have, I'm going to put every job I can think of because if you don't you can't have it in the future. You might as well put it in.

Tina: Could be.

Stephen: So it is a conflict right there and the judge is going to have to throw that out because it does not solve the problem.

Walt: So the judge is going to look at it and see this guy has 20 businesses he is running out of his house. Well no. He is just trying to beat the system.

Tina: The judge doesn't determine what is a business and what isn't. What he says is, he will allow grandfathering of current businesses. It is up to the homeowner to turn that in. The judge isn't going to say whether it is real or not.

Walt: So if you are selling Avon and turn in Avon and you want to sell Melaleuca, you can't change because you are only grandfathered in for Avon.

Tina: You are only grandfathered in for Avon. But the judge isn't making a decision whether he thinks this homeowner should have this or shouldn't have this. That is not what the judge is doing.

Stephen: Couldn't we just say, okay, everybody has got a business right now, grandfathered in and everything, and those people can have it--

Walt: We are trying to avoid a lawsuit and that is the whole thing we are trying to do. We are trying to beat a lawsuit. I mean, try to avoid it and try to --

Stephen: I can still turn around and sue somebody.

Tina: You know what, Steve? That is my point. Steve, I don't care if you, Joe Homeowner, wants to spend \$10,000 suing Sandy Perry for whatever you want of Sandy. Guess what that does? That keeps Pawnee Hills Community Association from using Pawnee Hills money for a lawsuit.

Stephen: That's what I'm saying. A judge is going to look at that and this is not going to solve the problem. To be doing this is not going to solve the problem.

Tina: You know that for a fact, Stephen? Because I sure don't. I would have no idea what that judge was going to do.

Stephen: That is not quite what I was saying. Unless that judge believes that it is going to solve the problem and keep all this stuff from happening, he has to throw it out of court.

Walt: If I had a letter like we have from Cheryl from a judge, it would have more weight with me, but I just don't believe it will--

Tina: And really, guys, I--

Walt: We could go to court and lose. The judge could say no.

Tina: Unless somebody comes up with a better solution because I have run out of ideas, guys. Literally, it is a board. Unless you guys can come up with a better way. It is not like we haven't got information from a professional. This is what--

Patty: Well, okay. Here is my thought on this at the moment. And I understand what you are saying, Steve, and I understand what you are saying, Tina. I think you both have points.

Walt: Oh, but you don't like my point.

Patty: Whatever we do here is going to be a gamble. We are gambling.

Tina: Absolutely.

Patty: Now, the question is, how much money are we going to be gambling with because, my sense on what we have spent already, when something has gone this far we are going to not end up with a declaratory judgment in our favor because if we would, this wouldn't be so fricken hard. Just the law of averages say--

Tina: No, it is hard because we are making it hard. Not because of Cheryl and David.

Patty: Let's not go there. It is not about we are making it hard. What is difficult about this situation is that we are not getting any movement from the community. That is what has been difficult about this. We have been out there struggling to get that movement and it is not happening.

Stephen: I'll make you a deal where you buy me a really nice dinner and I will get everyone in this place to vote. I will go door to door and get every vote, we are talking 166 votes.

Patty: I'll take you to dinner myself if you do that.

Walt: Can I ask you one question? Why haven't you done that in the past?

Tina: The declaratory judgment is currently on hold. Do we continue with it or do we keep it on hold?

Patty: I think we leave it on hold for the moment.

Tina: Because, I'll tell you what, this is what I am asking. The declaratory judgment, the next step which I think would be a good thing and that is why I kind of want to go forward, the next step is a letter coming from David Rolfe's office, which the Board will be able to edit or add or change before it goes out to the community. That means that the letter goes out to the community and a town hall meeting is done which means you have this community, the whole community having a chance as well as the Board of Directors, to have a chance to ask all the questions they ever wanted to ask, which I think is needed, about this declaratory judgment.

Patty: What kind of time frame were you thinking on for the town hall meeting?

Tina: It will take us at least a month to put this together.

Patty: Okay, here is the reason I am asking that question. We are into the holidays and that is where we are going to have a real hard time getting a turnout to the meeting.

Tina: Well, it depends. I mean, we could--I don't know what time frame he has got, okay? And what he does is he gives me a whole bunch of dates and then I will e-mail those dates out and then we pick the best one out of all of them. It would be during the week. It wouldn't be on the weekend, it would have to be during the week and it would be an evening meeting so that we can get the best turnout that we can and he, literally what he does is, everybody starts asking questions and he does the flip charts and starts writing them down and then he goes through every question. If there are duplicate questions or whatever, so that--and he makes sure that everybody has a clear understanding of what this means, everything. Then, after all these things are done, then I think the next step is we actually go into court.

Patty: Here is where I am kind of going--my thought on this is, I am wondering if we shouldn't try to have that meeting closer to the Homeowner's Association meeting because I think that we should ask the homeowners.

Tina: I don't know what the time frame is. I would have to contact David. I could get those dates for you and we could try to do--we could do it after or whatever, but, my main concern right now with this board is, I think the next step has to be with town hall meeting. I think this community has to get--we can put this off indefinitely but we are not solving a problem. Tell me why we keep holding and keep holding and keep holding because--

Patty: There is no other movement happening--

Tina: There is no other movement happening. I will keep holding if you guys think that there is--what am I missing? Are we holding because we are--

Patty: If we can schedule the town hall meeting in a way that it will make sense for trying to push through another vote at the next homeowner's meeting, in other words, use it not just as a tool to allow folks to ask the questions they want to ask but also a tool to possibly galvanize people to vote, then I am for that if we are going to use it in that way.

Susan: And when are you thinking of that?

Patty: I am thinking after the new year.

Walt: How much is the town hall meeting going to cost?

Tina: Well see, that's the thing. We are talking \$500 an hour and then travel time.

Patty: Susan, help me here.

Susan: I sat there going "I don't like any of this."

Tina: I know you don't like it Susan. I don't like any of it either but I need--I don't mean to pull this, but, I am the president of this Association, and I am telling you guys, we can't keep putting a problem on the back burner. I need some solutions. Give me some ideas. Okay, go ahead, Stephen.

Stephen: Right now, they can put it out in your newsletter the next time and every time that you want to do a covenant change to change commercial activity one time. That is the only thing on it. Change that one

thing in the covenants that says commercial activity to the whatever the county rules are. One thing. Put it in there that I am going to come around. They can call me, make an appointment, whatever. I will come to them whenever they want me to by such-and-such a date, and get a proxy from them, I will take them a ballot to fill it out and then I will put it in a bag.

Tina: We can't do that. We either do a mail in ballot or an actual meeting--either/or. So you would just get their proxy.

Stephen: Get that proxy, all the proxies one way or the other way, I will just write it down. It will be confidential.

Patty: Just do a check-off.

Stephen: I will bring their proxies and we will come in here, I will get everybody's proxies and we will get a vote.

Patty: And I think if we could follow that up with the conversation that we are currently looking at, here is step one, step two is we are attempting to schedule this meeting, we are looking at \$500/hour and we have got to have community input in January.

Tina: And Patty, please understand this. I am not being negative, but we have tried this covenant change vote four other times.

Stephen: You have let them come to you. I will go to them. People are lazy.

Patty: Steve is asking to do a different approach.

Tina: And you know, Stephen, we can give you just that little section that says home occupation and you can hand it to them and say this is exactly what we are voting on and you can say I want your proxy and you can go door-to-door and you say it will take you, I don't know, three weeks to get that done, and we can schedule another meeting if you want to do that. If this Board thinks that will work, we will try it one more time. But know that every time we have tried this, it is between \$200 to \$300 every time we try it. I am just saying that, please understand, this will be our fifth time of trying to get a change done.

Walt: But if there are any future lawsuits or if there is anything that this board didn't do, I mean, we did make an honest effort, I mean, we got four votes on the same subject. So there is no judge that can hold that against us because we have had all of these votes. So, I mean, having additional votes on the same issue trying to get it passed rules in our favor.

Patty: If we change it to one where we show element, one crucial element, because people do get confused, well what about fencing and the other issues.

Tina: Okay, so what that means is we take that one piece which--

Walt: Is that why we have six NOs?

Tina: I'm sorry, Steve, I am trying not to be negative. We are not going to ever get 112 people to agree on anything but I am willing to try it if this board wants to one more time and keep the declaratory judgment on hold and--first, let's make the first motion that we are going to go forward with the declaratory judgment and see what schedules, time frame we have looking at some time in January. But you want to do the town hall meeting before we have the homeowner's meeting, is that correct?

Patty: Around the middle of the month if we can.

Tina: Okay. That is our first motion is that we go ahead and contact David Rolfe and schedule a town hall meeting in mid-January. He would have to tell us the drop-dead date for his sending out the letters.

Susan: Right. No further communication prior to this to the community from him.

Tina: Okay, wait a minute, that is just the one motion. Do I have a second on that one?

Patty: Well, can we get it all written down and then--

Tina: Right now, all we are saying is that we are going to go forward with the declaratory by requesting a town hall meeting with David Rolfe mid-January, set a date for that.

Patty: Do you have to have Cheryl also?

Tina: I don't know.

Walt: January 11th will be our January Board meeting so that would be our last meeting. The 21st we may be re-elected.

Tina: We usually have our homeowner's meeting at the end of the month.

Patty: Yeah, I was thinking it would be the homeowner's meeting not the Board meeting.

Walt: We would have to be re-elected to make the February meeting.

Patty: Okay, that makes sense,

Tina: We just have our homeowner's meeting in January so it doesn't really matter what time frame we have our homeowner's meeting in January. But that is a very good point.

Patty: Have it on the 11th.

Tina: We can't have a Board meeting and a town hall meeting at the same time.

Walt: Our Board meeting is actually the 12th.

Tina: Okay, so--

Walt: Of course, we could move our meeting to Friday the 13th, it might be fitting.

Tina: Okay, if we have, I am going to say beginning of January. I will talk to David Rolfe and say beginning of January, okay? And hopefully before our Board meeting. Now, that is my motion, do I have a second on that? Motion passed. I'm sorry, is there any feedback from the community?

Patty: I will do the printing so that will cost the community nothing but I need labels from Susan.

Tina: Okay, we need to, right now, determine, because in order for Stephen to do this, we actually have to call a meeting. You understand that? We have to send out an agenda, proxies out to everybody, and what we are voting on. Okay? And then you can take extra proxies with you as you go door-to-door requesting them to--I will be more than happy, please fill out this proxy and I will take it and vote for you or they can say, "Stephen, I already gave my proxy to my neighbor" and you can say, "Great." Okay? So, with that understanding,

Stephen: Put in the letter that I will be coming by their house or they can get a hold of me and make an appointment.

Tina: We will put that in the letter. Since you are really good at a cover letter, will you do the cover letter if I do the vote, the proxy, and the agenda?

Susan: And why don't we try to do this the first week?

Tina: Okay, Susan is doing the cover letter or draft of the cover letter and I will be doing the agenda, what we are voting on, and the proxy. And we need to set the date--

Patty: I am thinking first week of December so we have time.

Tina: Because if we do this, we can actually send this out now, I mean, this is all, but, I hate to tell you Stephen, but this is all you. We are willing to back you up but--

Stephen: With my e-mail address and my phone number, have them call me or e-mail me and I will come to them any time--

Tina: We will put your phone numbers and e-mail address in the letter so if you have any questions you will be contacted and can we put in the letter that you will be going door-to-door and be calling people to get this done?

Stephen: Right or they can call me--

Tina: Because I want them to know that you can be calling because you may not get--you know, if you get their door and you keep trying five or six times and can't get them, most likely you will be calling them.

Tina: Okay, guys. What time in December are we looking at because we have got to put a date in this.

Tina: So what about Monday the 4th? Okay, Monday the 4th at 7 p.m. we will do like we did before, Susan, do you have--you have that, don't you? Okay, where checkin is from 6:00 to 6:55 and meeting will begin promptly at 7. And once we get it, basically, we can actually email all the stuff to each other, make the corrections, and I would say we have to have it out at least 30--I always give 30 days, but Steve might need more than 30 days.

Stephen: Give me as long as you can--

Tina: So we just need to start paying attention to our email and reading each other's stuff and I will start sending out what I can.

Susan: Steve, what is your e-mail?

Stephen: It is crc@myawai.com

Tina: Alright, so, obviously we are going to, I don't think we have to make a motion or anything, we are going to go ahead and try this again and we will get this out as soon as we can and good luck to you, Stephen.

Sandy: Can you maybe put the proxy and everything in where the newsletter is?

Tina: No, we have to mail the proxy along with the agenda and what we are voting on all together as a package to the community. We can put it on the website so people could print out proxies if they want to or if they need them. So all of this stuff we will get to you, Sandy, in a word document and you will put it up.

Patty: Tina, another thing we should probably put in there in the cover letter is that if folks just want to walk by and vote, they can any time between 6 and the start of the meeting to vote.

Tina: Yeah, they can vote and leave if they want to.

Patty: Yeah, because we had a lot of people do that and I think we got more turn out if they knew they could just come and vote and leave.

Stephen: And put it in your little cover letter exactly what that one thing is that they are voting on.

Tina: Well, that is exactly what it is going to be is the home occupations. We are going to change where it says "commercial activity shall not be permitted" to "home occupations" and we will list that whole piece per county regulations and just like we did and that is it.

Susan: And that's it.

Stephen: And nothing else.

Tina: A couple of other things, guys, because I would like to try to wrap this up before midnight. Marji Jackson who transcribes our minutes, which are very long, but she does a great job called me the other day and she said, as much as I love doing the transcription for you guys, it is getting longer and longer in more detail.

Walt: I know how you feel.

Tina: So, her \$50 original price, she requested a change on this. Her rates are going to be up to one hour it is \$50. From one hour to an hour and 15 minutes, it is \$62.50, from one hour and 16 minutes to one hour and 30 minutes it is \$75, from one hour and 31 minutes--

Patty: So she is just adding 15-minute increments at \$12.50. Why don't you just make it easy and say that.

Tina: I can do that. I'm sorry. It is late and I am tired. I am running on nothing here.

Patty: It is increments of 15 minutes--

Tina: \$12.50. So, basically, how we can gauge this is how long it is going to take us, is basically gauging the time on the tape, how long it is taking us to do this.

Board: About how long does it take her to do this? Did she say?

Tina: Right now, it has been about an hour and a half, you know. You know, August and September were really horrid and that was because it was so piecemeal because we were trying to tape it, and then Walt came in and then his machine stopped and then it started again, so she had three different files. On a normal thing, I would say about an hour and a half. But I cantell you, August and September were kind of icky and it also depends on how much homeowners are talking and if we have a long piece.

Board: Right.

Tina: Then that takes a while. And I will tell you, just on her behalf and the stuff that she is givingme, it ends up being about 39 pages typed. Then what she can't hear, she puts a line and gives me a time frame, so I can listen to the tape, go to that time frame, listen to it and see if I can pick up what is being said because sometimes it is very difficult for her to hear and sometimes I can't even hear it. So I turn those 39

pages into about 11 or 14 by taking out some mumbo jumbo that we do. And so, she has done a great job but we have to do a better job ourselves.

Tina: I need to make a motion on the rates for Marji Jackson. Do I have a second on that?

Board: So, \$50 dollars for the first hour and \$12.50 for 15 minute increments thereafter.

Tina: Yes. Motion was made, seconded and passed unanimously.

Board: Now I have a question before we go any further. We made a motion to go forward with the declaratory judgment with the meeting in January. Did we make a motion that we were going to do the vote as a special meeting? We didn't do that, did we?

Tina: No we didn't, you are right. Okay, I need to make a motion to, we are going to call a special meeting for Monday, December 4th at 7 p.m. to try to pass a home occupation covenant change. Do I have a second on that?

Board: Should it read from "commercial activity" to "home occupation?"

Tina: Yeah, from "commercial activity" to "allowing for home occupation per Elbert County" will be right.

Board: Correct.

Tina: Discussion?

Motion passed 4-0.

Tina: The other thing I need to talk to you about, we don't have to make a motion on this, I just put this down on here is, we need to discuss raising the maximum allowable to 5% and forego it.

Board: In other words, raise the window but not raise the--

Tina: Raise the window but not raise the dues to it. So basically, all we are doing is we are raising the window for the maximum allowable and that we are foregoing implementation.

Board: I think before I can even consider doing it again; I want to go over the budget for next year.

Tina: And we are not raising the dues. Understand that all we are doing is raising the maximum allowable.

Board: And we need to do that by our December board meeting?

Tina: We just need to make sure that it reflects every year that we do this. So we can do this at any time too--I just want to bring this out--so it needs to be done--

Board: For that 5%?

Walt: Yeah, usually we do it at the end of the year.

Tina: Do we do it at the end or the beginning of the year?

Walt: We implement at the beginning of the year.

Tina: So I am just throwing it out there. We don't have to do this tonight. I just want you guys to realize and what I will do is, I have this whole piece, my booklet of all the backup and everything. I think what I am

going to do is make sure I have everything updated and then send everybody--at least get everybody a packet of that so that you guys have it because we really do need to think about doing that. Then, of course, the next step that I wanted to tell you about real quick-like that we need to think about is our budget. We are supposed to get our draft from Susan this month, some time this month for 2007, so we will work on that to get that taken care of so that we can vote on that in December. Is there anything else that you guys can think of as far as board business that I am forgetting and if you can't think of it tonight, can you e-mail it to me or please make a note regarding anything that we need to talk about at the next meeting or following meeting. Any open items that you guys can think of, I need to make sure it goes on our meeting guide so we don't forget it. I think we are ready for open forum.

Open Forum:

Homeowner: I just want to say something.

Tina: I'm sorry; you have to say your name.

Homeowner: Ken White.

Tina: Thank you.

Homeowner: The streetlight next to the mailbox shelter - it doesn't light up everything, just a spot of light up the street, it doesn't do any good to anybody. I think they should move it onto a sign or shut it off. For what we pay for electricity we should just get rid of it – it is a waste.

Tina: A couple of years ago, we were going to get a bid for two lights that go over the top of the Pawnee Hills sign to shine down. We just wanted to make sure we did not have any light pollution because that is really a pet peeve for a lot of people out here. We were going to just light up that sign and we thought it would be great, especially when it is really foggy and snowy. We did actually get bids, we picked out the light and everything and then we didn't do it because we didn't want to spend the money.

Homeowner: What I am getting at is the light doesn't do anything for anybody. Now the light being inside the mailbox, sure, but not that small circle of light in the street.

Tina: I don't think you want to shut it off because it does give some light.

Walt: I think it is better just to move it over by the mailbox, a light at the entrance to the mailbox.

Tina: Well, maybe we can find a better solution. Make it a win-win solution.

Tina: Is there anything else that we need to discuss? No?

Motion was made to adjourn the meeting. Motion was seconded and passed. Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Walt Day
Secretary