

**MINUTES OF THE WOODMOOR IMPROVEMENT ASSOCIATION
BOARD OF DIRECTORS MEETING**

August 25, 2008

1. Steve Malfatti called the meeting to order at 7:18 PM.

Attendance to meeting

WIA Board Members present:	Steve Malfatti	President
	Terry Holmes	Vice President
	Kevin Weese	Secretary
	Bill Walters	Treasurer
	Anne Stevens-Gountanis	Director Architectural Control
	Gary Marner	Director Common Areas
	Director Covenant Control	George McFadden
	Amy Smith	Director Forestry
	Steve Steffey	Director Public Safety

Staff in attendance:	Kevin Nielsen	WPS Chief
	Camilla Mottl	WIA Executive Director

Visitors present:	Pam Sekavec
	Joe Samek
	Victor Harshberger
	Ed Haas
	Ed & Judy Barton
	John Andrews
	Merle Danskin
	Gina Hagglof
	Hans Post
	Brian Kitts
	Bill Zimmerman
	Nancy Moeglein
	Sharon Marner
	Bob & Nancy Sheffield
	Gary Brookshire
	Susan Fitch
	Cheryl Brower
	James Foster
	Jerry Bichsel
	James Smetzer
	Don & Dian Cram
	John Poncina
	Jeff & Cheryl Garlick
	Tim Gordon
	Jacob Epstein
	John Ottino
	Eric Denissen
	Raleigh Dove

Diane Betts
Liz & Phil Miller
Bill & Maggie Nealon
Phil Underwood
Karen Mikec
Don Brooks
Pearl Swoffard
Bill & Gloria Ingram
Rodney Beckman
Tom Roth
Floyd Petty
Ken Shorter
Marian Taylor
Tom Kelley
Jim Miller
Hilary Brendemuhl

2. Approval of the Meeting Minutes

No Board meeting was held in July and the minutes to the August 14 Special Board Meeting were not available for review.

3. Approval of Agenda

- McFadden requested item 14a and 26 be removed from the agenda
- Walters suggested items 18 through 21 be moved to take place before Item 5 (Financial Report)
- Per an e-mail from Mr. Oberle to Malfatti, item 21 is cancelled.

George moved to approve the agenda with the modifications suggested. Stevens-Gountanis seconded the motion. All were in favor. The motion passed

4. Welcome Visitors

Malfatti welcomed all visitors and introduced Steve Steffey as the new Director of Public Safety. Individuals addressing the Board included Jerry Bichsel, John Ottino, Joe Samek, Ed Haas, John Andrews, Gina Hagglof and Bill Zimmerman. All voiced that they do not wish to see WIA hire a Mgmt. Company and/or are happy with the services provided by Woodmoor Public Safety.

18) Public Safety Issues

Nancy Moeglin deferred her time to Hilary Brendemuhl

19) WIA Policy on the Care and Maintenance of the Common Areas

Ken Shorter addressed the lack of mowing in the common areas as an aesthetic and fire issue, the necessity of spraying to rid or at least diminish noxious weeds in the common areas, pond maintenance and the fact that no 2008 Great American Cleanup was held.

20) Board Requested Clarifications

Holmes requested and Weese read an e-mail from Brendemuhl, a responding e-mail from Holmes and a letter to the OCN from Brendemuhl. Brendemuhl then stated her issues inclusive of a request that Mottl be terminated; that Malfatti resign from the Board and for a forensic audit to be held.

21) WIA Communications

Cancelled per Mr. Oberle's e-mail request.

Reports

5. Financial Report

Walters reviewed the June and July Financial Reports. Walters stated that the Operating Fund of \$312,649 is cash in the bank.

6. Public Safety Report – Nielsen

- Nielsen thanked Jake Shirk for his service. His professionalism, experience and calm demeanor will be missed.
- Nielsen reported 400 calls since June 1.
- Two burglaries were reported. One, a personal vendetta break-in/ One a vacant home break-in where party was held. Both are being investigated by EPSO.
- There was one criminal trespass auto: vehicle break-in through a soft top where the perpetrator tried to steal the radio but was unsuccessful.
- Schools started and WPS is monitoring south Woodmoor in the AM and the traffic at the new school flows well. We've had no cases of kids leaving the property to the east or parking issues. However, very few if any students are driving to this school as it's only underclassmen attending this year.
- WPS received a few calls for bears in July but sightings slowed a bit in August. However, bears will be preparing for hibernation by searching for food in the Fall. Residents should not to place trash cans out until the day of pick up. Residents should use bear proof trash cans if possible and clean trash cans regularly. Food for domestic animals should not be stored or left outside and grills should be cleaned after use and the grease trap emptied or kept in the garage. Bird feeders (especially humming bird feeders) should be hung between trees and kept off decks and porches and fruit and rinds should not be put in compost piles.

7. Forestry Report

Smith reported that

- The 2007 grant is currently being administered with over \$30,000 being disbursed to Woodmoor residents to date.
- Because of less dollars being available and the increased competition in areas that are being decimated by MPB on the western slope, WIA's application for a 2008 grant was denied.
- Smith did make application for a 2009 forestry grant.
- Up to \$1,000 dollars spent on fire mitigation on residential lots is now tax deductible.
- Thinning and fire mitigation on the Fairplay median from Higby to Caribou drive is completed.
- Smith will be attending the 2008 Firewise Community Conference in November. Her attendance is being paid for by a Firewise sponsor paid scholarship.

8. Common Area Report

Marner stated that, due to resident request, mowing would be scheduled. He also commended Smith for the landscaping done around the flagstone Woodmoor signage.

9. Executive Director Report

Mottl

- Read a request that the Board address the issue of drilling on Mount Herman.
- Mottl reported that the migration of prairie dogs from the open areas of south Woodmoor is escalating and affected residents are requesting the Board take some action. Board members agreed that a covenant violation notice should be sent to the owners of this land.

10. Personnel Committee Report

Walters reported that the committee was formed in April and has contracted with Mountain States Employers Council to review all WIA personnel policies, procedures and benefits and are waiting for their recommendations. Members of the committee are Walters, Holmes, Steven-Gountanis, Weese and Steffey.

11. NEPCO Meeting Report

Holmes reported that NEPCO had two guest speakers at their last meeting; a representative from Critter Control and Front Range Environmental Resource Coalition on the drilling on Mount Herman. Their next general meeting will be held on September 13 at 10:00 a.m. Attorney Lenard Rioth will be giving a

presentation on HOA Legal Issues. The meeting will be held at Family of Christ Lutheran Church @ 675 Baptist Rd.

Old Business

12. Motion: Proceed with Barn kitchen and bath remodeling

Smith moved that we proceed with the WIA Barn kitchen and bathroom remodeling project at a cost of approximately \$13 to \$15,000 from the Reserves as budgeted. Stevens Gountanis seconded the motion. Discussion ensued.

Smith moved to amend the motion by adding that a defined scope of the work will be provided and an additional bid procured. Stevens-Gountanis seconded the amended motion. All were in favor. The amendment to the motion passed.

Malfatti called the motion that the WIA Barn kitchen and bathroom remodeling project will proceed at a cost of approximately \$13 to \$15,000 from the Reserves with a defined scope of the work being provided and an additional bid procured. Stevens-Gountanis seconded the motion. All were in favor except for Marnier. The motion passed.

13. Motion: Change Item E. Fencing and Enclosures

Stevens-Gountanis moved to change the last paragraph in Item E. FENCING AND ENCLOSURES viewed on page 7 of the Policies, Procedures, Rules and Regulations, Parts I, II, III, and IV to read as follows: Electronic dog control fences do not need to be approved. They may be installed above or below ground. The actual wire may be placed on the property line. However, the signal to the dog's sensing device (on the collar) must be set with adequate intensity to keep the animal a minimum of fifteen (15) feet from said property line. Placing such a fence close enough to a property line to permit an aggressive animal to intimidate neighbors or passers-by will be considered a nuisance by the WIA.

McFadden moved to second the motion. Discussion ensued.

McFadden moved to amend the motion by deleting the last sentence. Holmes seconded the amendment to the motion. All were in favor.

Malfatti called the motion "to change the last paragraph in Item E. FENCING AND ENCLOSURES viewed on page 7 of the Policies, Procedures, Rules and Regulations, Parts I, II, III, and IV to read as follows: Electronic dog control fences do not need to be approved. They may be installed above or below ground. The actual wire may be placed on the property line. However, the signal to the dog's sensing device (on the collar) must be set with adequate intensity to keep the animal a minimum of fifteen (15) feet from said property line." All were in favor. The motion passed.

14. Stevens moved to make the following changes in the Policies, Procedures, Rules and Regulations, Part V DESIGN STANDARDS MANUAL (page 44), P., subparagraphs b., c., and d as follows:

P. PLAYGROUND EQUIPMENT

5. Temporary Playground Equipment is playground equipment that complies with all of the following conditions:

- a. The equipment requires no more than a half-day to set up or remove.
- b. The resident typically does the set-up and removal.
- c. The equipment is stored indoors or out of sight for at least seven (7) consecutive months in any twelve (12) month period.
- d. When in use, the equipment is not permanently anchored to the ground.
- e. Total weight of the fully configured equipment is less than five hundred (500) pounds when in use. If the equipment contains water, the water weight is included.

Weese seconded the motion. All were in favor. The motion passed.

Counter Motion: Change Design Standards P. Playground Equipment, by removing 5.a, d and e. weight restrictions – *McFadden withdrew this motion during agenda approval – See No.3*

15. Nominating Committee

Malfatti moved to amend the appointment of the Nominating Committee Chair to the Secretary, Kevin Weese. Stevens-Gountanis seconded the motion. All were in favor. The motion passed.

16. Confirm Elorie Award Committee

Malfatti moved to appoint Amy Smith as Chair of the Elorie Award. McFadden seconded the motion. All were in favor. The motion passed.

17. Motion: Letter to Monument Academy

Because of the misinformation given to WIA regarding the Charter School, Malfatti moved to have the attorney send a letter to the Monument Academy Bldg. Corporation stating that Woodmoor Improvement Association expects that all seven of the covenants/stipulations established in the Nov. 30, 2000 Philip J. Anderson letter (included in the El Paso County Resolution Number 00-526) will be adhered to by the school. Stevens-Gountanis seconded the motion. Discussion ensued.

Malfatti moved to amend the motion to state that WIA will send the letter. Weese seconded the motion. All were in favor.

Malfatti called the motion that WIA will send a letter to the Monument Academy Bldg. Corporation stating that Woodmoor Improvement Association expects that all seven of the covenants/stipulations established in the Nov. 30, 2000 Philip J. Anderson letter (included in the El Paso County Resolution Number 00-526) will be adhered to by the school. Weese seconded the motion. All were in favor except Marner. The motion passed.

New Business

Items 18 thru 21: See #4.

22. Drilling on Mount Herman

Smith handed out an information/fact sheet regarding the drilling on Mount Herman. Members agreed that WIA will submit a formal response during the comment period of the Environmental Assessment for Natural Gas Drilling on Mount Herman. WIA's statement will not weigh in on the political/environmental battle of whether to drill or not, but rather will emphasize the importance of protecting the health and safety of residents in Woodmoor and surrounding communities. The response will also ask the US Forest Service to hold the drilling company to the highest standards when dealing with the potential for environmental contamination and should hold the drilling company completely liable to restore the area to its natural state without any degradation of our natural resources. Members agreed that Smith will try to arrange for FRERC to make a presentation at the September Board Meeting.

23. MSEC Facilitator Feedback

Kim Koy does have facilitator feedback for the Board regarding her attendance to the August Meeting and would like to meet with the Board members. Smith is to contact Koy about a meeting with the members.

24. Motion: Mgmt. Co Not Contracted w/o Special Mtg. and Member Vote

Malfatti moved that the following be added to the "Policies, Procedures, Rules and Regulations, PART IV: ASSOCIATION OPERATIONS: G. MANAGEMENT COMPANY - A management company, shall not be contracted, employed or appointed to run the affairs of the Woodmoor Improvement Association without the vote of a quorum of the members. This paragraph may only be amended at a regular or special meeting of the members, called for that purpose, by a vote of a majority of the lots present in person or by proxy. Holmes seconded the motion. Marner, McFadden, Weese, Walters, Steffey, Steven-Gountanis and Smith voted against the motion. Malfatti voted for the motion. Holmes abstained. The motion failed.

25. Motion: Reopen Admin office to walk-ins on Friday
McFadden moved to reopen the office to walk ins on Fridays. Walters seconded the motion. Discussion ensued. Malfatti called the question. Walters, McFadden, Marner and Steffey voted yes. Smith, Holmes, Weese, Malfatti and Stevens-Gountanis voted no. The motion failed.
26. Motion: Change Item F. Open Fires, page 7 of Policies Procedures, Rules and Regulations, Parts I, II, III, and IV to clarify what constitutes an Open Fire
McFadden withdrew this motion during agenda approval – See No.3
27. Response to EPC Development Services Notice to Build new office building on Lot 2
Members agreed that Malfatti would send a letter to EPC Development Services
28. Attendees to September Hearings
Malfatti, Marner, Steffey, Stevens-Gountanis and Weese are scheduled to attend the September Hearings.
29. September Board Meeting Agenda Items
Malfatti stated that he will be re-wording and submitting the motion regarding the hiring of a management company without owner input.

The Board adjourned to Executive Session to discuss one personnel and 3 legal issues at 11:15 p.m.

The Board resumed Regular Session at 1:30 p.m.

Marner moved to terminate the services of Lenard Rioth. Weese seconded the motion. McFadden moved to amend the motion to terminate the services of Lenard Rioth and the firm of Anderson, Dude and Lebel upon transition of current cases with no new cases to be awarded legal representation by Lenard Rioth or the firm. Walters seconded the amendment. Malfatti, Holmes, Smith and Stevens-Gountanis voted against the amendment. Marner, McFadden, Walters, Weese and Steffey voted for. The amendment passed.

Malfatti called the motion that the services of Lenard Rioth and the firm of Anderson, Dude and Lebel be terminated upon transition of current cases with no new cases to be awarded legal representation by Lenard Rioth or the firm. Malfatti, Holmes, Smith and Stevens-Gountanis voted against the motion. Marner, McFadden, Walters, Weese and Steffey voted for. The motion passed.

The meeting adjourned at 1:40 a.m.

RESPECTFULLY SUBMITTED:

Date

Kevin Weese, Secretary

Date

Camilla Mottl, Executive Director