



**Big Elk Meadows Association**

**Saturday, February 18, 2023**

**Board Meeting Minutes**

**Board Meeting held on line**

**09:00 Call to Order by President**

- Quorum verification – Board members attending: K. Battaglini, M. Campie, B. Clevenger, P. Cypher, D. Evertson, C. Isenhardt, R. McCutchen, P. McDaniel, D. Sayler, P. Sorenson.
- Board members not in attendance: (Excused absences) K. Mason
- Members in Attendance: S. Leonard, R. Leonard, E. Murphy, L. MacLeod, C. Ray, D. Wray, S. Furman, C. Paddock, C. Loomis, G. Christensen, K. Davis, T. Bernstein, E. Jacobson, A. Jacobson, S. Sayler  
Guest: Kacie Dreller and Stacy Rukavishnikova
- Staff in Attendance: P. Flanagan
- Request for Executive Session made by R. McCutchen for the purpose of the Employee situation.
- Approval of Agenda first motioned by R. McCutchen and seconded by C. Isenhardt. Discussion. P. Cyphers called for a vote. All in favor. Motion passed.
- Approval of Jan 18, 2023 Meeting Minutes – First motion by P. Sorenson and seconded motion by R. McCutchen to approve the Minutes. Discussion. P. Cyphers called for a vote. All in favor. Motion passed.

**9:14 Management Company**

- Presentation by Kacie Dreller and Stacy Rukavishnikova of Haven Management Services.
- Final Contract for Haven Management to the Board, the week 19<sup>th</sup>-25<sup>th</sup> of February. Board will review and email vote the same week.
- Member communication to members after vote is taken.

**10:23 Member Communications**

P. Cyphers moved the Violation letters on Member Communications to the Governance Committee section of the Agenda.

**10:28 Master Calendar** - P. Cypher report Master calendar is online.

**10:30 Communication Committee**

D. Sayler motioned Paul Cyphers is in charge of getting Communication Chairs and Secretary full access to shared drives and website for full Management. Seconded by B. Clevenger,

P. Sorenson amended the motion to timeline of completion by February 28<sup>th</sup>. P. Cyphers amended the motion to include Ryan Sommers also in charge. Motion reads: Paul Cyphers and Ryan Summers to be in charge of getting Communication Chairs and Secretary full access to shared drive and website for full management by February 28th. Seconded by P. Sorenson. Discussion. P. Cyphers called for a vote. All in favor. Motion passed.

#### **10:37 Social Activities Committee**

- M. Campie motioned- I asked the board to approve Elaine Murphy as co-chair of the Social Committee. Seconded by B. Clevenger. Discussion. P. Cyphers called for a vote. All in favor. Motion passed.
- M. Campie motioned Mary Ellen Prucha and Michelle Gutshall to the Social Committee. Seconded by D. Sayler. P. Cyphers called for a vote. All in favor. Motion passed.

#### **10:41 Operations Committee**

Camera installation by R. Sommers and P. Flanagan, cameras ordered and installation has started. Scheduled completion by March.

#### **10:44 Common Area Committee**

#### **10:47 Long Term Planning Committee**

- C. Loomis presented the findings of the Conservation Easement Survey (Amendment A attached).
- P. Sorenson to present to the Water Rights Attorney to evaluate the Water Rights Impacts of Boulder County Conservation Easement.
- Loomis to go to Boulder County to get firm language that unequivocally says that they do not want to attach to our water rights.

11:02 M. Campie was excused as the Board had been notified.

- Conservation Easement Proposal is tabled until April Meeting.

#### **11:20 Finance Committee**

- The Finance Committee will be in the budget process for the next two months. The proposed budget goes to the Board for approval, then onto Membership for Annual meeting.
- Finance Sub Ad-Hoc Clean-up Accounting Committee Charter was motioned in by B. Clevenger Move to accept the Charter: Review, audit and clean up the general accounting for Big Meadows, for preparation for CPA to perform our taxes. This work would include implementing accepted gap procedures, correcting transactions, errors, allocation expenses and revenues and determination of capital assets lost and gained due to flood and determining communities. Net operating profit loss annually over the last 10 years since our last tax filing. Seconded by D. Sayler. Discussion. P. Cyphers called for a vote. 1 No, 8 yes, motion passed.
- B. Clevenger reported PW316 is officially closed

#### **11:29 HR Ad Hoc Committee- No Report**

C. Isenhardt motioned that we disband the HR Committee and roll the documents that we were working on into governance. Seconded by D. Sayler. P. Cyphers called for a vote. All in favor. Motion passed.

#### **11:30 ARC Committee**

#### **11:30 Incident Management**

1032 Aspen all information compiled sent to the Board by P. Cyphers and P. McDaniel will forward the letter. Governance Committee to make recommendations after the Committee meets.

**11:37 Governance Committee** Discussion on the processes of HB 1137 and ideas of how to use it.

#### **11:50 Firewise Committee**

B. Clevenger presented that he met with the Department of Natural Resources. We will not get the Swift Crew this year but received a cash award.

The mitigation will use professional tree cutters. The arborist needs access off Hickory up the backside of Sunset. B. Clevenger has offered his property for the access. B. Clevenger to make a written request to the Board.

#### **11:56 Lake Health and Fish Habitat Committee**

**11:57 Water Rights Committee** P. Sorenson presented an overview of the report.

#### **11:57 Unfinished or New Business**

- K. Battaglini motioned Christa to join as Co-Chair to the Common Area Committee. Seconded by P. Sorenson. P. Cyphers called for a vote. All in favor. Motion passed.

**12:04 Adjourned Meeting:** First motion by D. Sayler. Seconded by P. Sorenson. P. Cyphers called for a vote. All in Favor. Motion passed.

**12:09 Executive Session:** Attendees: K. Battaglini, B. Clevenger, P. Cypher, D. Evertson, C. Isenhardt, R. McCutchen, P. McDaniel, D. Sayler, P. Sorenson. Topic was Violation letters going out without Board Approval. Tabled for a future Executive Session. The Executive Session ended at 12:27pm.

Next Board Meeting is on Saturday, March 18, 2023 at 9am.

BEMA Secretary of the Board

Devona Sayler

## Amendment A

### **2-16-23 Conservation Easement Board Survey Response**

#### **Introduction**

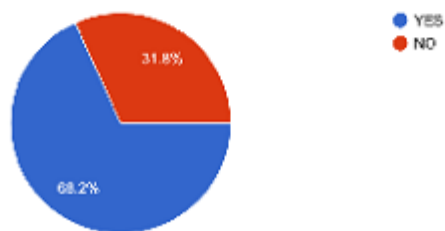
We had 86 valid addresses respond which is approx. 51% of our members.

This was an excellent exercise as we go through the process of educating our members on this opportunity as there were many great comments both for and against.

There seemed to be a number of responses that were not based on the full facts from the meeting. There were also a number of new questions. Getting the comments/questions and answers to the BEM Members will be a great next step in the process.

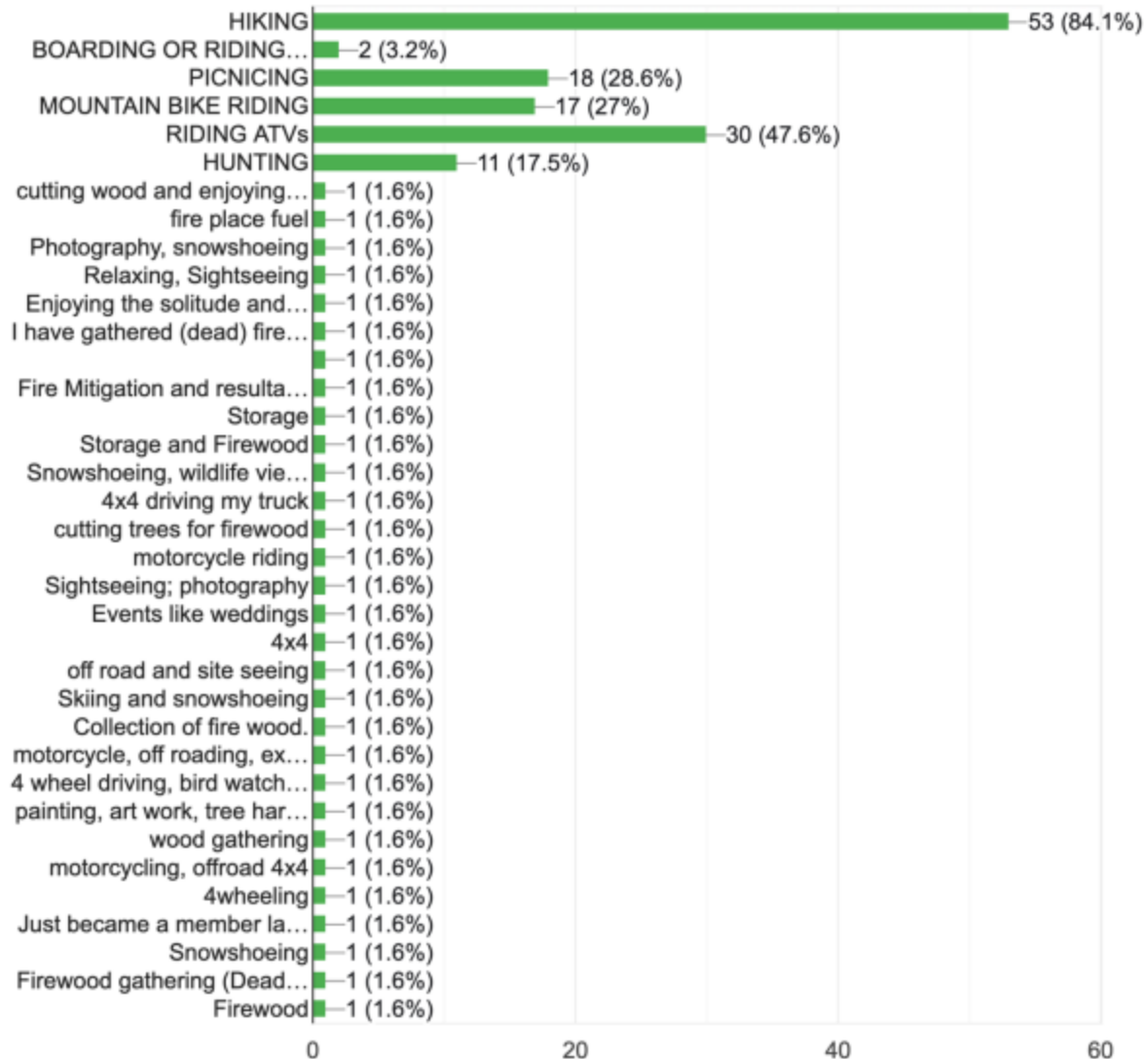
#### **Graphical Summary of Response to Questions**

Do you currently use and enjoy the Upper Meadows?  
35 responses



## What Activities have you used the Upper Meadows for?

63 responses



Do you support the idea of the Conservation Easement, as presented to provide BEM with funding of approx. \$1.3M from Boulder County? Net proceeds will be less applicable fees and taxes.

109 responses



## Raw Comments from the Survey are below:

No conservation easement. Keep Boulder out of Big Elk Meadows!
Either paying down the debt -or- paying down debt and reserves is ok with me. So, I could have selected either the first or second option.
I think it is a great opportunity to raise funds to be directed to pay down debt and strengthen our reserves while protecting a resource (Upper Meadows & wild area near Little Thompson Creek) that everyone wants to see protected. As long as we list all potential activities I think protecting the open land is good for current and future BEMA Members. I am concerned not taking advantage of this opportunity will leave members paying more in the short and long term. If Boulder county scaled back on these types of purchase in the future, we would miss an important fundraising opportunity.
This is a win-win situation for Big Elk Meadows and Boulder County.
Nothing should be sold until we have an audit
None. Thank you for you work
This is an outstanding way of preserving one of our most delightful and valuable assets in perpetuity. And while these parcels will only increase in value with time, using the funds to pay down debt now will eliminate a burden on our cash flow that can be used for many other improvements to our community in the long term. This is a golden opportunity. Please do not hesitate to move forward with a vote.
What would the land be worth after the Easement. Could BEMA borrow against it if needed?
If there is any chance we will loose water rights on this deal then I oppose it

I like the idea of providing some financial stability to BEMA and preserving the beautiful upper meadows for future generations.
This is a sensible way to raise funds that we can use to make Big Elk better without burdening current members.
I'd prefer not create limitations on one of our best assets in the community for future generations. Although I appreciate the creative problem solving of the team, I have been involved in CEs many times and they are an absolute encumbrance on the property that I believe devalues the land.
We think this is a great idea for BEM to cut money we will have to pay as long as it does not affect our water rights.
What percentage of funds would go to the debt reduction and what percentage into reserves?
This is a great opportunity to protect the open spaces we have in Boulder County while helping dig out of the financial issues still hanging over BEM. The expression "Money talks, BS walks" is particularly applicable here in regards the perpetuity every one is fretting over. This protects a little tiny piece of our heritage from greedy Bazillionaires who will someday make an offer the membership or board at that time can't refuse and "poof" another unique community bites the dust. WAKE UP, and get this done.
Based on the research done by the future planning team, and the sequence of continuing this initiative, I believe this could be a valuable asset to the community when done with the diligence that was communicated.
We do think that having a CE appraiser give us a value would be worthwhile to see if the offer is fair. First preference is to pay down debt. Second preference is to fund reserves if there's anything left after debt is paid down.
Sam made a point about how next event and/or capital need would be funded ( IF all proceeds go to reduce loan). Would an assessment be the most likely way? Or if another loan is needed, would not the interest rate be much higher? Also, are reserve needs earmarked? For example, if we are calculating a future need and it is in the "budget" but not yet spent, is that amount identified and cannot be used for something else? Or can the board choose how to spend reserves without consideration of how the funds got there?
If only existing trails can remain at purchase, should we build more trails prior to sale? Some option for group camping with board approval should remain, I heard that if boy scouts wanted to camp. We would like the option of a BEM family group camping. Unsure if this now is allowed, can/could a family member or guest of BEM member park an RV overnight (s).? Many homes do not have driveway or lot space for a visitor like this (my family member was directed to park an RV at the cul-de-sac below the shooting range the week before the 2013 flood... horse pasture certainly is a safer location). Do existing trails used by hikers and mountain bikers cross this land now and will this access remain open? Keep option for future pavilion.
Best idea ever
We do not support building more homes in the Upper Meadows
This may well be the best opportunity to create a debt free BEM, pave the way for a strong BEM financial base, and preserve an area from development for the future enjoyment of all. Cudos to those discovering this possibility and for steering it forward. Let's do it!



Any impact to water rights, losing the ability to store trailers, or changes to ATV use in the meadows would be deal breakers
The town hall presentation was well done.
We need to see all the fine print, including water rights.
Are there springs in the upper meadows, and are they protected? Could the county ever open the area to the public? Since we are in the Sunset area, should we choose to expand or replace our home, would there be any problems?
Thank you sooo much for all of this work! We are grateful. We FULLY support a conservation easement this incredible land and think this is an amazing opportunity!
As long as our water rights are not affected, we think this is a good plan. I understand that there is effort to examine lowering the tax rate on this transaction. Great job to all board members, Curt Loomis, and Bobby Heisterkamp.
Only by moving forward will the information be available to make a decision.
Don't trust Boulder County with rights in controlling our future uses.
If determined to split the funds between debt and reserves, please consider a 50/50 split. Thank you
Although we haven't used the upper pasture in many years, it was where our daughter was married. At our age having the area to play or hike in is not of interest to us, but I think that with good thought about how it could be used should be important to the whole community. It also gives BEMA a chance to pay down the loans.
We think protecting the land from future development and paying down
Driving ONLY on the roads is no a good idea, I need to drive to the firewood
the easement prohibits motorcycle riding
forever?
bad idea
Not right
WHY give up BEM's choices and rights to use the property?
Sunset Lake should never be included in a Conservation Easement
I think its a great way to protect the land for future generations and keep it from going condo or being sold off for private development.
I want Big Elk to control the land, not boulder
never give land to boulder county
we need to keep the land under big elk management
protect the land for future Big Elk needs
no, no, no, no, no



Why would a third party appraiser cost \$5000?

BEM should have all control over future uses that are unforeseen, BEM's Members of the future and our own. The biggest No CE is the Water Rights, BEM holds now. The \$1.3 is way to low on value of land and by the time everything is taken out of it for fees and taxes there won't be enough to pay off loans. BEM Members can say what happens to the land and what we want to do with it giving it to Boulder County is a terrible idea because our choices are taken away.

Boulder county proposed offer is well below actual comps if this property had to be sold in a financial emergency

The members would need to approve such a sale but odds are high that membership would approve if the situation was extreme

The terms of every Boulder CE that I am aware of can be very restrictive and they can be transferred in a properly exchange with other entities

I read the portion of the easement that said that Big Elk would give up 1/2 of the water rights, I live near sunset, and it scares me to no end. WHY would we allow this to happen, water is too valuable. Besides, I do not want Boulder telling us how to manage the land that has been a part of Big Elk for over a century. Please reconsider and turn it down. Our future generations will thank you for keeping it all Big Elk.

I want to preserve future land use for our future members, including my future grandchildren . From what I read Boulder county will not allow me to drive anywhere except on the current roads. As a hunter, how can I retrieve my deer if I can not drive my ATV to the animal? Do I have to backpack the deer to my atv?

During the presentation, it was said that after taxes, we might only get 780,000. This is not enough, in fact 1.3 is not enough. Inflation, have you heard about that? A one time payment of even 1.3 is way way way to low. How many acres, 188? That is only \$6914 per acre? How could anyone really consider this?

I do not want any boulder county restrictions. The land is for ALL members, without getting wedding permits from the county to put up a tent, or park cars on the grass.

In the meeting, they said the deal was a NO GO, if we loose water rights, but I read the easement to see that will give up 1/2 of the 188 acres of water rights? Why would we still be pushing for the easement? Along with that, There was talk of moving the maintenance building to the horse pasture, that would be a good idea, but not possible with the easement, NO WAY!

Limits future flexibility. Also \$1.3M is way too low.

I saw the Boulder county easement policy online. My question is: Have all of the Board read it? I can not believe the amount of restrictions, and the very small amount of money we would get, maybe 780000. With our loan at 2.5%, and inflation almost 10%, it's insane to pay off that loan. Did our finance and treasurer people really think that this is good for big elk, if so, we need new people doing those roles

Member will send Curt a few concerns.

During the townhall, I heard someone ask - why not do an conservation easement ONLY on the sunset lake parcel. THIS seems to make sense. I realize that its only 37 acres, but land in boulder county is worth a lot. Even more than the 1.3 M. forget the current deal, and talk about only this parcel for a conservation easement. The sunset lake parcel makes perfect sense, because there will likely never be any future development in this area, whereas the upper meadows offers Big Elk so many options in the FUTURE, Please do not sacrifice the future.