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## RECORD OF PROCEEDINGS

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### Minutes of the Meeting Of the Board of Directors of Brightwater Club Property Owners Association April 19, 2013

A Meeting of the Executive Board of Directors of the Brightwater Club Property Owners Association, Gypsum, Eagle County, Colorado, was held on April 19, 2013 at 9:00 a.m., at the offices of Robertson & Marchetti, 28 Second Street, Suite 213, Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

**Attendance** The following Directors were present and acting:

- Joe Spencer (By Telephone)
- Darrel Schmidt (By Telephone)
- Louis Amato (By Telephone)
- Renzo Renzi (By Telephone)

The following Director was absent:

- Garrett Smith

Also in attendance were:

- Don Janklow
- Scott Green
- Mike Budd (By Telephone)
- Ora DeMaria (By Telephone)
- Malcolm Gray (By Telephone)
- Denny Gray (By Telephone)
- Janice Spencer (By Telephone)
- Russ Hatle (By Telephone)
- Kirk French (By Telephone)
- John McCarty (By Telephone)
- Eric Weaver, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting

**Call To  
Order**

The Meeting of the Board of Directors of Brightwater Club Property Owners Association was called to order by Director Spencer, noting a quorum was present.

**Agenda**

The request from Wells Marvin at 171 Foxprowl to have the Board sign-off on his landscaping was added to the end of operations.

**Minutes**

The Board reviewed the meeting minutes of the February 7, 2013 Executive Board Meeting and the February 25, 2013 Executive Board Meeting. Upon motion duly made and seconded it was unanimously

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**RESOLVED** to approve the minutes of the February 7, 2013 Executive Board Meeting and the February 25, 2013 Executive Board Meeting as presented.

#### **Security System**

The Board had previously agreed to not fund security after April 30, 2013. The Valagua Metropolitan District Board of Directors was notified of the decision and decided to cancel the security contract with Mike Brown as of April 30, 2013. Mr. Brown was notified in February of the cancellation of the security contract and Mr. Weaver has been working with Mr. Brown on the transition and received all the current pin-codes. Mr. Weaver now has the ability to manage the pin code database remotely.

The Board had previously approved funding for additional hardware for the gate system. Director Spencer informed the Board the hardware was not needed to operate the security system and there have been minimal costs for additional small items. The Brevo system controls the cameras and license plate bars and is managed through the internet with no computer required onsite.

Staff at Robertson & Marchetti will be issuing new pin-codes for property owners, maintenance providers, real estate agents, and contractors during normal business hours. License plate bars are available to those needing more routine access. In instances where a visitor or contract arrives at the gate and needs access they will be connected to office of Robertson and Marchetti for assistance. An email will be sent to all property owners informing them of changes with the unmanned security gate system.

The Board discussed the number of pin-codes that should be issued and the process for issuing pin-codes. Mr. Weaver is hoping to work with golf course staff to have them assist with on-site gate issues. The Board further discussed the liability issues when issuing pin-codes and making sure anyone providing pin-codes understands their liability and responsibility. It was noted that with the new camera system, it is possible to view who is entering and exiting the community.

Janice Spencer questioned to ability to limit access after-hours. Mr. Weaver stated the old pin-code system does not have the ability to limit after-hours access. Director Amato noted that one of the golf course staff members is living on-site and can be contacted if there are issues with the gates or golf course property that require immediate attention.

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#### **Engineering Study**

Mr. Weaver has met with Alpine Engineering on site to provide an estimate for preparing an engineering analysis on the roads in Brightwater. Alpine Engineering has received the as-builts from the Town of Gypsum. The next step would be a thorough walk-through by Alpine Engineering to look at all roads and drainage areas in Brightwater. Alpine Engineering provided a \$7,000 proposal for an engineering study that would include both long-term and annual road maintenance recommendations. The engineering study from Alpine Engineering could then be incorporated into the Reserve Study.

Borne Engineering provided an estimate of approximately \$5,000 to complete a reserve study for the Association, contingent on the Board approving the proposal from Alpine Engineering. Director Schmidt is supportive of completing the engineering and reserve studies and is hoping the engineer is able to obtain the construction and compaction documents. Mr. Weaver believes the Town of Gypsum has the documents. Director Hatle confirmed the Town of Gypsum received mylars of the construction plans. The Board directed Mr. Weaver to receive a formal proposal from Borne Engineering for the reserve study.

Mr. Weaver contacted Monroe Engineering to request a proposal to prepare an engineering report on to the entrance bridge. Monroe Engineering provided an estimate of \$3,400 to look at the bridge at the main entrance, which seemed high. Borne Engineering agreed to include the status of the bridge into the reserve study. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the contract with Alpine Engineering for \$7,000 for the road engineering study and up to \$5,000 for the Reserve study with Borne Engineering.

#### **DRB Request**

Mr. Weaver reminded the Board that the DRB process is the responsibility of the Developer. During the CDI bankruptcy proceedings, James DeFranci, the court appointed representative, appointed the POA Board to oversee the DRB process for the two properties under construction. GCH agreed to have the POA Board continue to oversee the DRB process until the two construction projects are completed. Wells Marvin, the owner of 171 Foxprowl, has requested the Board sign off on the landscaping, even though the additional landscaping requested by Elena Scott has not been completed. Director Spencer is concerned with setting a precedence of accepting landscaping without meeting the DRB guideline requirements. The Board approved not requiring colored concrete at the November 2012 meeting. The Board unanimously agreed the additional plantings are necessary before they could sign-off on the landscaping.

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Director Schmidt stated the DRB process is designed to be cost neutral and fees are normally paid by the property owners to cover the DRB expenses. Mr. Weaver stated the records of the previous management company were incomplete and it could not be determined if DRB fees had previously been paid. Director Schmidt encouraged the Board to follow the policy of collecting design review fees with future construction projects. Don Janklow suggested billing the property owners for DRB expenses and put the burden on them to prove the fees were previously paid. The Board agreed if there were further costs for the DRB process on either property, the cost would be passed onto the property owner.

**Financials** The March 31, 2013 financials were presented to the Board. The cash flows have increased, and the accounts receivables have decreased with the payment of assessments. Both the revenues and expenses are showing a positive variance to the 2013 budget with the exception of the legal fees for collections.

**Collections** Mountain Law Group was paid the \$25,000 agreed for foreclosure process. The Association received a requested for an additional \$17,000 to cover title search expenses. Director Amato informed the Board he was not able to discuss the request with Dan Wolf prior to the meeting because Mr. Wolf is out of the country. Director Amato and Mr. Weaver will follow-up with Mr. Wolf when he returns to work to determine if there is a way to reduce the additional expense.

Kirk French questioned the status of the prepaid amount to the attorney and if the Association has a ledger of the status of the funds. The Board explained the \$25,000 was an agreed to amount to file foreclosure on eighteen owners for a total of thirty-eight properties.

Director Schmidt noted several owners on the foreclosure list have not paid taxes for four years and those properties could be transferred via a treasurer's deed later this year. If a new owner acquires the property in a tax lien sale, the Association will not receive any of the past due assessments. Mr. French clarified the owners on the foreclosure list have owned their properties for several years and are not new owners.

**Accounts Receivable** Mr. Weaver reviewed the list of delinquent accounts, with thirty-eight properties in collections/foreclosure process and twenty-five properties currently past due. Director Amato asked Mr. Budd to contact the one owner with ten properties to inquire about plans for payment before turning those properties over to collections.

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#### **Accounts Payable**

The Board reviewed the list of accounts payables. Upon motion duly made and seconded it was unanimously

**RESOLVED** to approve the accounts payable list as presented.

Mr. Weaver explained the Association is in dispute with Orten Cavanaugh Holmes over previous charges and has asked Jerry Orten to provide a letter explaining what he believes is owed to the firm for the Board to address at a future meeting.

#### **Other Business**

Janice Spencer questioned the status of property owners request to use the Cast-Off Cabin. Mr. Amato stated GCH is working on deferred maintenance items and the property owners should send a written request to lay out their proposal for usage.

John McCarty suggested holding a function at the Lake House the weekend of July 4th for property owners. Scott Green suggested holding functions for property owners more than just the 4th of July. Mr. Renzi agreed to look into insurance issues and availability.

**Adjournment** There being no further business to come before the Board, upon motion duly made and seconded it was unanimously

**RESOLVED** to adjourn the Meeting of the Brightwater Club Property Owners Association Board of Directors this 19th day of April 2013.

Respectfully submitted,



Cheri Curtis  
Secretary for the Meeting