

**Burland Homeowners' Association, Inc. Meeting**  
**August 12, 2006**

**PRESENT:**

Cameron Wright  
Dave DeHoff  
Roger Sawyer  
Dick Scofield  
Shirley Franklin  
Kelli Kryl  
Jack Roberts

Bill Hudgins, Attorney  
Linda DeHoff  
Mary Ellen Sawyer  
Steve Franklin  
Jean Wagner  
Pat White  
Don Collins

The meeting was called to order at 10:00 a.m. It was determined a quorum was present.

Minutes of the previous meeting on July 8, 2006, were read and approved as written.

Cameron introduced guest Sheriff Fred Wegener who brought pictures of two decibel meters that we might consider purchasing after the noise ordinance is finalized. He discussed "density maps" in determining levels of acceptable noise. This is in reference to population of various areas e.g., Deer Creek Valley Ranchos may be different than say, Como where population is spread out. Sheriff Wegener stated he had talked with the District Attorney, County Attorney and Commissioner Tighe. He said that Commissioner Leni Walker may be the most difficult to convince for approval of the ordinance as she is one who is against government involvement in such matters. Wegener stated there is a draft in progress for the ordinance and he will keep us informed and also provide cost of the decibel meter. Bill stated it is appropriate under the Associations' covenants and bylaws for us to purchase a decibel meter; however, it was agreed that the decibel meter would not be purchased until the ordinance is in place.

Minutes of the July 8, 2006 meeting were read and approved as written.

**Reports of Officers**

**President's Report**

Cameron reported that Sprint, Cingular, Alltel and Verizon are discussing tower space as it is becoming limited. T-Mobile built the tower and we will be negotiating their contract again in September. Wispertel is on the tower but their lower location is not a problem. Verizon is currently on the County tower and they would like to move to ours. Verizon volunteered to provide a professional report and share with all companies. The tower is full and this may present problems with the FAA and the like, to lengthen the tower. Safety was discussed and it was determined there are no safety issues.

### Treasurer's Report

Roger gave the Treasurer's Report and it was approved. Roger stated a Certificate of Deposit (approved at the July 8, 2006 meeting) in the amount of \$20,000 had been purchased earning a rate of 5.65% for a period of one year.

Roger provided Bill with copies of the IRS statute we received from our bookkeeper documenting her opinion that the tower rentals are not taxable. Roger checked with two CPA's. One did not want to give an opinion on the matter, and the other said it probably was, but that we should just call the IRS. Bill will attempt to get an opinion from another CPA.

### Reports of Committees

#### Covenants and Zoning

Mary Ellen prepared for Cameron's signature, a letter dated July 9, 2006, along with documentation (including pictures) to Tom Eisenman (County) regarding the 718 Quakie property and the urgency of addressing this situation. No response has been received as of this date.

Bill had nothing to report on the two cases currently before the County (Yellow Pine and Bobcat). Bill said the property on Doe Circle is hard to capture in regular pictures and the possibility of aerial photos may be considered. There is one company, [www.landvoyage.com](http://www.landvoyage.com) that might be contacted.

Mary Ellen stated that we notified the County in August of 2005 regarding the two properties (Yellow Pine and Bobcat), and the County acknowledged in January 2006 that they were in violation of the LUR's. Yellow Pine specifically was given until June 2006 to comply, and nothing has been done.

Bill will contact Steven Groome (County Attorney) regarding the status on these cases. **Motion was made and approved giving Cameron the discretion to give Bill the authority to proceed with litigation against the County for nonenforcement of the County's LUR's if, after Bill contacts the County again, it is clear that the County is failing to take appropriate action to resolve the two cases in question.**

Bill provided information concerning meeting proceedings i.e., Board members only can make "motions" and "seconds". Bill also explained "executive sessions" and the need for same. With regard to legal advice during an open forum for example, there may be a need for an "executive session" and in that case, the Board members would leave the room for discussion as appropriate. Otherwise, such discussion and legal strategizing negates the attorney-client privilege.

(Attorney client privilege is the basis for which confidential communication must be protected when legal counsel is sought.)

### Park

Steve Franklin presented information concerning the proposed trail on Bailey Mountain. By using GPS and some software, it was Steve's opinion that we would not be trespassing on private property on the proposed trail.

Jack stated the first day of actual work on the trail is planned for September 22, 2006. It was decided that on Sunday, those who would like to, will meet at 1:00 to hike the mountain to look at the proposed trail site.

### Burlander

Mary Ellen reported the Burlander was published and mailed.

### Web Page

Don Collins reported all is well on the web site.

### New Business

Bill said that after his initial look at the by-laws, they appear to be acceptable. However, the Board asked him to review them with the idea of suggesting any new provisions that may be prudent to add, and any other changes he thinks the Board may wish to consider.

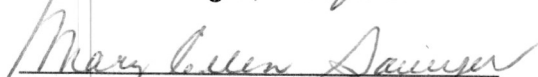
### Unfinished Business

The Burland signs should be completed approximately late this month (August).

Roger will call Ruthie Lamping at the Post Office to set up a meeting for discussion of the locked boxes.

Roger said he would like to suggest that we invite Platte Canyon Rescue Service to speak at a future meeting. Everyone agreed to this and Roger will set this up.

  
Cameron Wright, President

  
Mary Ellen Sawyer