

## MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE CLUB AT COBBLE CREEK, INC.

A meeting of the board of directors of THE CLUB AT COBBLE CREEK, INC. (the "Club") was held on March 15, 2021 at 4:30 pm. Those present and participating at the meeting:

Christine Collin, President  
Lisa Hylton, Treasurer  
Randy Griffin, Director at Large  
Betsy(Betty) Willy, Secretary  
Pat Pitz

**Approval of Agenda:** The agenda was approved with the addition of an executive session to discuss personnel issues.

**Approval of Minutes:** The electronic approval of the minutes for March 1<sup>st</sup> and March 8<sup>th</sup> were ratified by unanimous vote

### **Old Business:**

**General Manager:** Telephone screening and initial interviews for six possible candidates continues this week. The process is ongoing and remains the board's top priority.

**Accountant:** Our new accountant began orientation today.

**Tavern:** Pat Pitz has agreed to take over as the liaison for Lisa Hylton. The immediate need to staff the tavern was discussed.

The Club is recruiting a Tavern Manager replacement for Misha Lico. Misha resigned 3/12/21. There was a general discussion regarding our immediate staffing issues to cover Wed through Sunday including Friday Happy Hour and Ice Breaker social as well as the Ice Breaker Tournament on Saturday. Board members have volunteered to help during these events.

The need to be compliant with social distancing during popular events was discussed with a tentative plan to put beer on ice on the patio to draw part of the crowd outdoors. Members are being asked to self-police social distancing.

The practical issues of outdoor computer access for charging were discussed. Lisa, Pat and Christine will meet Tuesday at the tavern to assess the inventory for these events. Randy and Christine will research the possibility of accessing foreUp software on I Pads for more convenient payment for beer on the patio.

**Covid-19 monitoring:** The county of Montrose is now rated blue on the Covid dial. Lisa will contact Ned Frasier to get an updated maximum capacity for the ProShop, tavern and banquet

room. Members will be reminded maintain proper social distancing through the Club's weekly board update.

Betsy explained that several members have requested that all members be required to be fully vaccinated before participating in any group activities at the club house. This would require the Club to add an additional layer of restrictions above the restrictions mandated by the State of Colorado and Montrose County Public Health Department.

The difficulty in enforcing such a restriction as it would apply to all inside club activities including the tavern as well those in the banquet center was discussed with the conclusion that it would not be enforceable. The board agreed not to initiate this additional restriction, but to leave it to the judgment of each member as to which activities he or she feels comfortable attending.

#### **Capital Planning Discussion:**

**Hole #1 curb completion and hole #9 cart path construction:** A motion was made by Betsy Willy and seconded by Lisa Hylton to approve \$12,600 total for completion of these two projects. During discussion Christine Collin reviewed the cash flow statement and financial forecast for the year. Asking the HOA to share in the expense of constructing curbing at hole #1 was discussed. The motion was passed in a 4 to 1 vote with Christine Collin voting in the negative.

Randy Griffin and Pat Pitz will meet with Paul Heide as they explore alternative bids in the hopes of reducing the overall cost of these projects. Randy Griffin will approach the HOA to ask their board to approve a 50/50% shared expense for the work at hole #1. It is hoped that either or both of these approaches will result in the projects coming in under budget.

**Capital projects:** The board acknowledged that there are multiple capital improvements and maintenance projects that need to be addressed. These include the entrance fountain, the remaining cart paths on the course, pond liner replacements, and potential breakdown of irrigation pumps or the Club House E pump to name a few.

There followed a discussion as to the wisdom of initiating a second capital improvement drive versus achieving the potential profitability forecast for the tavern and golf course. There was concern expressed as to how quickly the tavern and golf profitability will be realized while there may be a more immediate need to address some of the capital improvements and repairs.

No decision was made regarding initiation of a capital fund raising campaign was made at this time. Discussion will continue next meeting.

**Background Screening:** Lighthouse HR Support has been selected to perform background screening for all new employees. Kathy Krey is the contact for this company. Cost for a basic search is \$32.00. More in-depth searches are available if issues are identified. Lighthouse is located at 535 Grand Ave, Grand Junction, Co. 970 243 7509.

**Water Allocation:** An agreement for the delivery of irrigation water to the homeowners of the Refuge sub-HOA has been reached.

**Forms Reviewed by Attorney:** Liability and agreement forms were reviewed by Andrew Teske, attorney for the Club at Cobble Creek with the following conclusions.

**General Liability Waiver forms:** The attorney recommended that the club not attempt to use a general liability form for the following reasons.

1. General liability waiver forms are now considered generally unenforceable due to
  - a. The form must be signed before the fee for the covered service is paid
  - b. It would not protect against neglect or reckless misconduct on the part of the club
  - c. Each individual over 18yo in a family would have to sign a separate form. The head of household cannot sign for the whole family.
  - d. It only applies to the individual signing, not to guests
2. General liability insurance will cover most risks
3. Asking the general public using our course to sign a liability waiver or to have one on file gives the appearance of an overly restrictive organization

**Fitness and Massage agreement forms:** The current forms and the proposed form need to be expanded to include:

1. Proof of certification
2. Definition of scheduling responsibilities
3. Term and Termination especially if a waiver of membership is offered as a benefit
4. Preservation of confidential information
5. Non-solicitation clause
6. Indemnity for liability claims
7. Definition of insurance required
8. Tax and employment status
9. As well as "related disclaimers, representations and warranties"

**Esthetician:** The attorney recommended that the club not offer this service. Based on the licensing laws regarding this profession, an organization allowing an esthetician to practice on its premises must register with the state of Colorado (DORA) and is subject to periodic inspection regarding sanitation, infection control measures and scope of practice.

**Personal Trainer:** The attorney recommended that a personal trainer, advertising to members and practicing on the premises and thereby charging the client for his/her services, should enter into an agreement with the club that defines payment to the club for the introduction or access to clients and for the use of the Club's facilities.

**Club member who wishes to hire a private personal trainer for services to be delivered on the premises:** The club member rules or bylaws should be amended to either prohibit this use of

its facilities for this purpose or address the circumstances in which it would be allowed. There is no need for the Club to enter into an agreement with the private Personal Trainer.

**New Business:** Western Slope Golf Card – tabled till next meeting due to lack of time to address it.

There being no further business, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

*Betsy Willy*

*Secretary*