

RETREAT LAND OWNERS ASSOCIATION, INC.

Annual Meeting

July 25, 1998

Big Thompson Community Building

The Annual Meeting of The Retreat Land Owners Association, Inc. was called to order by President Marcella Bicknell at 1:15 pm.

Esther Russel, Parliamentarian, was introduced and Standing Rules were reviewed.

The board members were introduced. Marcy Trahon was absent as her sister's wedding is today.

Minutes of the 1997 meeting were approved by the board of directors at their Sept. 1997 meeting and published in the Sept. 1997 newsletter.

Janise Tate established a quorum and distributed 41 proxies.

Reports:

President: Marcella Bicknell reviewed use of water in the Retreat. This report will be published in the September 1998 newsletter and is attached to these minutes.

Treasurer's Report

Bill Widmaier presented a Balance Sheet, Statement of Cash Receipts and Cash Disbursements January 1, 1998 through July 24, 1998 and a Statement of Changes in Fund Balances January 1, 1998 through July 24, 1998.

Total Assets is	\$99,447.83
Total Liabilities is	\$.00
Net Assets is	\$99,447.83

Assets owned by the Association (cost less accumulated depreciation) include roads and common areas.

Estimated replacement values of roads is	\$1,200,000.00
of common areas is	\$ 41,800.00

Total Cash Receipts is	\$41,657.34
Total Cash Disbursements is	\$19,606.61
Cash Balance as of January 1 1998 is	\$76,108.10
Cash Balance as of July 24, 1998 =	\$98,158.83

Glen Haven Area Volunteer Fire Department Secretary/Treasurer: Carol Ball reported on the finances and fund raising activities for the fire department.

Fire Chief Tom Housewright thanked everybody for their support and commended Jim Boyd for his good work with the fire department. The fire department volunteers put in extra time for two months prior to ISO testing in an attempt to have the ISO rating dropped to an 8 for those lands within a thousand feet of an established water source. The results of the testing will not be known until next spring. The wildfire evacuation plan for the Retreat has been established and was available at the meeting.

Assistant Treasurer: Ken Cooper reported eleven properties changed hands since last year. There are 209 dues paying members. All assessments have been paid except for 2 members and liens have been filed against those non-paying properties. The 1998 landowners directory was distributed at the meeting and is available by contacting Ken Cooper.

ACC: Chairman Dennis Bicknell's report was given on behalf of the entire ACC which consists of Jean Richards, Dick Boggs, George and Thelma Richard and Mary Louise Widmaier. There has been a reduced number of applications for cabin construction and several applications for additions and storage sheds. The ACC has worked with the board on setback variances and with landowners regarding the covenants. The ACC has resources available to help landowners and is happy to have inquiries.

Environmental Committee: Chairman Graham Fowler reported on noxious weed control. Landowners can contact the Estes Valley Improvement Association who will help with identifying noxious weeds and advise on eliminating and controlling them. There were handouts available that describes the 12 noxious weeds most prevalent in this area. The EVIA, with the consent and permission of the landowners, will come to the property, assist with identifying weeds and instruct on methods to eradicate the weeds, either by mowing, digging or spraying. If weeds need dug or removed it is the landowners responsibility. Spraying would be done by EVIA.

Graham has researched protecting trees from the pine bark beetle. The very best protection of all trees from all insects and mistletoe is through proper thinning of the trees which was presented at last years meeting. There is a company that will spray trees to protect from pine bark beetle. The spray is toxic (Seisin and Astor). Graham has information if landowners are interested. If 100 or more trees the fee is about \$10.00 per tree and will also do special rates for groups of people. There is a lot of controversy about sprays and this should be taken into consideration. Any spraying would be on the part of individual landowners. Any tree cutting must have approval of ACC. Graham has a file on many environmental issues.

Roads Committee: Steve Little gave report. (Steve Little and John Barlow are co-chairs). We are reaping the results to the roads of having telephone lines installed. There are more and more stones coming through, some of which have been removed and many others are too large to get out. Road base would help these areas and road base is expensive. Last October our grader operator resigned. People complaining to the grader operator created problems and may have contributed to the resignation. Please direct comments regarding road conditions to either Steve or John. The grader operator follows board policy. Policy for snow removal in the past is to start plowing when snow has stopped. The Retreat contracted for snow plowing this past winter and most feel this was successful. This is an expensive way to do snow removal as we are already considerable over budget for snow removal for the year and still have until the end of 1998 to go. Estimate is that snow plowing for 1998 will cost between \$20.00-\$25.00 per landowner, which is a good chunk of the assessment and a good chunk of the road budget. Landowners need be cognizant of the fact that if we don't use our own equipment with our grader operator the expenses for roads will increase and the amount of maintenance work will decrease.

The Retreat contracted with a grading contractor to grade the Retreat roads and pull the ditches in June. The contractor put us off until June when the best time was in May The committee is not happy with the results of the grading. It was expensive and did not accomplish as much as the committee was led to believe. Al Cunningham has volunteered to be trained in the use of the

grader by Dick Wernmeister and Dice McKnight. The plan is to do some road work with the Retreat grader this fall.

Use of the outside contractor will need to be evaluated before any final decisions are made. It may be a year or more before a decision can be made on using outside contractors or using the RLA equipment and operator. Using outside contractors will automatically increase the road budget. There is a plan for improving the roads and setting priorities. Improving the roads will take a lot of dollars, right now there is a holding action on the roads. Steve asked landowners to take a shovel on walks and move rocks or dig out a ditch, etc. Landowners must keep their own culverts clear and clean.

The speed limit in the Retreat is 20 mph and that is only under the most optimistic circumstances. Everyone please SLOW DOWN. The Retreat has 1 ½ lane roads and 1 lane in some places. Lower speed also is easier on the roads. The roads are getting more use and resources for the roads has not increased much over the past 20 years. The roads will require more money to maintain and improve.

Open Space: Marvin Gee reports that in preparation for this meeting Susan Leshnick a realty specialist with the US Forest Service was asked to give us a report on the status of the exchange agreement between the Carpenters who own a 40 acre parcel on Pole Hill Road off of Hwy 36 in exchange for a 37.45 acre parcel in the middle of the Retreat. The report via the telephone is that the land transfer with the Carpenters is proceeding, is not finished, no date can be given regarding its completion.

The RLA board has informed the Forest Service that if for any reason that land transfer should not be completed then we would like for the Forest Service to consider the Retreat to be back in line to renegotiate.

Welcoming: When the Retreat has new landowners a welcome packet is sent by the Assistant Treasurer, Ken Cooper. In addition to that we have Frances Cunningham and Nancy McDevitt who contact the new landowners, welcome them and many times take home baked goodies to them.. Thank you Frances and Nancy.

Bulwark Ridge: Given by John Barlow in the absence of Marcy Trahan. John gave a brief history of the Bulwark Ridge Association. The Retreat and the BRA are a small portion of what was the former Maitland Ranch. We always understood the Bulwark Ridge development to be 6-35 acre lots at the west end of the Retreat. We have since learned that Maitland sold some properties subject to the covenants of the BRA. These covenants have some parallels to the Retreat covenants. They also sold other land under the name of the BRA not subject to the covenants. Some properties use our roads for access and some do not use our roads for access and so would have no interest in joining our association or maintaining our roads. With that background the report follows. The report is attached to these minutes.

Water Update: This was covered in the Presidents report which is attached to these minutes.

The Realtors in the area have been sent information regarding the Retreats use of water. Among other important items unique to the Retreat of which prospective landowners should be advised.

Duke Sumonia commented: Stating that if he is correct; "There is excess water for the two shares owned [by the Retreat] that could be redistributed elsewhere."

Merlin Friedrichsen who works for the State Water Resources and is a Retreat landowner spoke to the above comment. Merlin states that the above comment about excess water is not correct. The State Engineers office reviewed the Retreat augmentation program about three years ago and it was determined that the water that is from the two shares owned by the Retreat is adequate for the Retreat but there is not an excess and water allocated for the Retreat is for domestic or household use. The Retreat plan has been reviewed and there is not excess water. If the water plan was to be changed it would have to go into water court to see what the judge would say and it would be an expensive process.

Duke Sumonia suggested that Dick Stenzel, assistant state Engineer with the State Division of Water Resources be invited to speak to the Retreat landowners.

Introduction of Persons to Count Ballots.

John Barlow asked for 2 volunteers to count ballots for election of board directors. Volunteers are George Richard and Marla Kilpatrick.

Nominating Committee Report - given by Irene Little. The nominating committee submits the following nominations for the Board of the Retreat Landowners Association: Joanne Gilbaugh, Gene Pfeif, Marcy Trahan and Terry Tuttle.

The chair asked for nominations from the floor. Millie Muller Norwach nominated Duke Sumonia. Per the parliamentarian a second is not required.

The five nominees spoke to the membership.

Ballots were distributed to those in attendance for their voting and were collected. The ballots were distributed for proxy rating and collected.

There was an intermission while the votes were counted.

Election Results:

Marcy Trahan and Gene Pfeif were elected to the board.

Many thanks to all those willing to run for the board.

Steve Little is the chairman of the nominating committee for this upcoming year. Volunteers are needed to serve on this committee. Anyone willing to be nominated please contact Steve Little or any board member.

New Business

Gene Pfeif, on behalf of the Board of Directors moves that in order to make the \$10,000.00 annual contribution to the Glen Haven Area Volunteer Fire Department that the annual assessment limit remain at \$200.00 for the year 1999. Janice Tate seconds that motion .

Steve Little moved to amend the motion to say that the limiting amount be raised to \$250.00 to

provide the Retreat with a little more head room when the budget is set for next year. Seconded by Graham Fowler.

Discussion on the amendment:

A \$200.00 cap does not provide enough flexibility especially with the needs on the roads. The cap should be \$250.00 and the actual assessment amount be left to the board after the budget determined.

This past year, 1998, interest from the open space fund was used to supplement monies needed for operation of the Retreat and therefore kept the 1998 assessment at \$185.00 for 1998.

A \$200.00 cap is too low.

This is an amendment to the by laws. It is for 1999 only.

Proxy votes are not allowed on this motion as proxy votes are issue specific per the Parliamentarian.

Attendance at the annual meeting is advertised and encouraged because this is where we do these things.

Per the Parliamentarian the RLA bylaws say that the RLA Bylaws can be changed by 2/3 vote at any meeting.

The membership voted on the amendment to set the assessment limit at \$250.00 for 1999. 38 votes in favor and 10 opposed. The amendment is passed by a 2/3 majority. The membership gave their consent to not vote on the original motion.

The **published motion** which reads: "In addition to the assessment, each member will pay \$50.00 per year as a contribution to the Glen Haven Area Volunteer Fire Department for a period of three years." Seconded by Graham Fowler.

Discussion included:

Praise for Tom Housewright Chief of GHAVFD and all his accomplishments for the Fire Department. Fire Days were difficult this year and the future of Fire Days is uncertain. Fire Department needs our support.

Fire Department working on putting water storage tanks in the Retreat. Continued support of the Fire Department makes more winners in the Retreat.

Contribution from the Retreat allows the Fire Department to focus on fire and medical emergency issues rather than scrambling around to raise money.

For those who do not have a cabin, the value of the land is primarily in the trees and grasses. Land value is very high and a fire would make the land of much less value.

The membership present and proxies voted on the motion. The motion was passed.

The President read the following two motions previously published in the newsletter.

"I move that all monies collected, set aside, or considered (including interest) for purchasing the "Open Space" as voted upon at the 1996 Annual Meeting, and any 1998 actual excess income over expenses, be distributed and credited to those members of record at the time of passage of this motion. And, further, that those monies credited be applied to subsequent Annual Assessments of those members until their credit has been exhausted and that the distribution start with the 1999 Assessment."

"Whereas the members of The Retreat Landowners Association, Inc., in the 1998 annual business meeting voted unanimously to direct the RLA Board of Directors to implement a plan to acquire the 37.45-acre U.S. Forest Service parcel in the Retreat; and

"Whereas the Land Exchange Agreement between the Forest Service and Larry and Violet Carpenter, recorded in March of 1997 (the Carpenters' Pole Hill property in exchange for the 37.45-acre Forest Service parcel in the Retreat, Exchange #COC-59941), has not been consummated; and

"Whereas, in March of this year the RLA Board of Directors requested the Forest Service to 'consider our Association as interested in becoming a party in a Land Exchange Agreement on this parcel' if the Agreement with the Carpenters fails to be consummated for any reason; and

"Whereas the monies given by the Retreat members are in an Open Space Fund earning interest (current interest has been applied toward the reduction of landowners' assessments for 1998);

"Now; therefore, the members of the Open Space Committee move that the dollars in the Open Space Fund remain at interest until the annual meeting next year (July 24, 1999.)

Duke Sumonia made the first motion stated above and moved to amend it to insert "after closing" after the first two words of the motion "I move". The chair asked for any objections to Mr. Sumonia's amendment to the motion.

DISCUSSION: Does that change the motion significantly enough that proxies would not be allowed to vote on this. Parliamentarian answers no, it does not.

There was objection to the Parliamentary's answer that inserting "after closing" does not change the motion significantly enough to not allow proxy vote.

On the advice of the Parliamentarian the membership could be allowed to vote on whether to allow the insertion of the words "after closing" to the motion and a vote to allow this also allows proxies to vote on the motion.

After further discussion it was decided by the membership to take a vote only on allowing the words "after closing" to be added to the motion.

The membership voted not to allow the addition of the words "after closing" to the motion.

The maker of the motion spoke in support of the motion.

Steve Little presented an amendment to the motion by eliminating the words "all monies collected, set aside, or considered (including interest) and substitute "a total of \$150.00 collected".

Steve then gave an explanation for his amendment pointing out that he does not agree with the

motion and speaks against motion. The amendment was seconded by Vicki McCoy.

Per the Parliamentarian, the membership will vote on whether to allow this amendment. Should the membership allow the amendment, then proxy votes will not be allowed for the amended motion as the amendment changed the intent of the motion.

After several minutes of discussion the chair closed discussion. This was challenged by Duke Sumonia. The membership then voted to close discussion. The membership voted on the amendment to the motion. The amendment was defeated.

Prior to asking for the vote on the original motion the chair asked the membership to vote on closing debate. The membership voted to close debate on the original motion.

The membership present voted on the original motion submitted by Duke Sumonia. Then the proxies voted on the original motion submitted by Duke Sumonia. The motion was defeated.

The next motion, moved as printed by Marvin Gee on behalf of the open Space Committee. There were two typographical errors. In the first line 1998 is changed to 1997 and in the last line change July 24, 1999 to July 31, 1999. Seconded by Graham Fowler.

There was discussion. The maker of the motion deferred speaking. The membership present voted on the motion as did the proxies. The motion carried with 73 votes in favor and 9 votes opposed.

Ed DePasque made a motion to adjourn the meeting. Jackie Kleinman seconded.

The vote of the membership was a tie and the chair continued the meeting to allow Landowner comments.

There was an expression of gratitude and a round of applause for Esther Russell, the Parliamentarian.

Renewing more social events.

Vandalizing on the trails.

Trail to saw mill cleared by Retreat volunteers.

Stocking the Miller Fork.

Need volunteers for nominating committee.

Gratitude to Vicki McCoy for fine job on the newsletter.

It was moved to adjourn. Seconded by Ed DePasque.

Meeting adjourned at 5:00pm.

Respectfully submitted Laurie Stewart, recording secretary.

Approved by the Board of Directors

Date 9-26-98
MARCY TRAHAN