



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING January 28, 1989

The meeting was called to order by President Graham Fowler. All members were present except Dice McKnight. Also in attendance were Jim Persichetti, Environmental Chairman, Dennis Bicknell, ACC Chairman, Rock Tallman, Road Chairman, and Marvin Gee, landowner.

SECRETARY'S REPORT

The minutes of the November 5, 1988 meeting were approved.

PRESIDENT'S REMARKS

Graham reminded the Board that Rebecca has moved her office. Her address is now Suite 4102, Building 4, 1136 East Stuart Street, Fort Collins, CO, 80525. Dennis had sent her flowers from the RLA; a thank-you note from Rebecca was received, and is on file with the recording secretary.

Graham called attention to "Common Ground" and "Community Institute Newsletter", publications from the two organizations to which the Retreat belongs. Starting with Duke, these publications will be circulated among the Board members for their information.

ROADS

Rock reported that we have had a total of 28" of snow so far this year, compared with 100 - 132" total over the past five years. He said he's been having a great deal of equipment problems with the grader - broken fan belt, hydraulic pump problems, it doesn't start on cold days, two block heaters have burned up, and the clutch is not working properly. Discussion involved whether to convert to 12-volts, whether to have an engine overhaul or get a new one, getting a circulating type block heater (Farmall International dealer in Fort Collins carries them), whether the cost of bringing the machine up to good working condition is worth it compared to buying a different grader. It was decided that Rock go ahead and buy a block heater. Dennis suggested that Rock get together with Dick Weinmeister to go over both the grader and backhoe, to do some estimating on the things that need repair, either by taking the equipment to the valley for repair, or having the repairmen come to the Retreat. Dennis will call Dick to talk with him about the problems. It is the feeling of the Board that the road grader is the first priority, and that Rock should get it fixed in whatever way possible, and keep the Board apprised of what is happening.

Rock reported that there is a washout around a culvert going under Bulwark Ridge Road near the intersection with Miller Fork Road. The culvert is okay, but to fix it properly, and fill in around it, the road will have to be dug up. No action was taken at this time. Rock will keep an eye on the situation, and take the appropriate action when necessary.

Rock will talk over the backhoe problems with Dick and Dice.

ENVIRONMENTAL

Jim Persichetti distributed a paper with the 1988-89 survey results to the Board. He reported that of the 59 owners who responded, 27 are new responses, and that just two (lot 50, Filing 2 and lot 29, Filing 3) do not want anyone to access their lots. He pointed out that the Retreat has approval to go through the entire Retreat (except for fourteen lots where the owners will do their own) and mark, cut down and treat, and/or leave the wood for the owners. He said Rock now has access to 95% of the Retreat since this last survey, and gave him a new survey map indicating which lots can now be worked on. There are fourteen lots on which there have been no response to any of the surveys. Jim feels the first priority is to get the beetle infested trees cut and treated as soon as possible. He said that if the \$800 budgeted for this is used up, they will have to rethink their priorities.

Jim reminded the Board that the six or seven negative responses received from people who felt we were too high handed, or didn't want anyone on their lots at all, is not a bad percentage of the 211 landowners.

It was noted that members of Bulwark Ridge Association would like the Retreat to carry its efforts over into Bulwark Ridge. Jim feels that this isn't feasible, as most of their lots are much larger than the Retreat's lots, and they are paying their assessments for use of the Retreat roads, only. He suggests that Rock get in touch with them individually, and work out private contracts. The Board was in agreement.

Jim reported that the egg mass count is down, and that the Retreat is lined up for the 1989-90 monitoring service, with Ray Mehaffie. He said this service will continue each year, but that we need to notify the Forest Service every year if we want their

survey services. Hugh suggested that the Bulwark Ridge Association be made aware of the monitoring area, so that they can take appropriate steps, such as asking for the monitoring to be done in their area. Jim expects to hear from Mr. Letterman in February regarding the lab results on the egg mass count.

In other environmental concerns, Tom reported that he had contacted the Larimer County agronomist, Brian Lind, who confirmed that Dunraven Glade Road is indeed a county road now. There is a good possibility that Larimer County will spray for Canada Thistle and Leafy Spurge, twenty feet on both sides of the road. Mr. Lind will come up in May to look over the situation; the spraying will probably be done in June. He will contact Tom when this will happen. He said if landowners along Dunraven Glade Road don't want the spraying done on their property, to put up signs saying "Don't Spray" which will be honored by the spraying crew. It was noted that the right-of-way is 66 feet - 33 feet on either side from the center of the road. The next Newsletter will contain this information so that the Dunraven Glade landowners will be alerted. Jim suggested that the Newsletter also contain information regarding the hand sprayers and mixes which can be checked out from EVIA.

ACC

Dennis reported that there has been no new action since the last Board meeting.

TREASURER'S REPORT

In the absence of Dice McKnight, the secretary passed out his report and the work sheet for the end of the year. After a small discussion and the reminder that the Board stick as close as possible to the budget, it was moved and seconded to approve the report. The motion passed. Copy attached.

ASSESSMENTS

Dennis, reporting for the Assistant Treasurer, Marcella, said that 211 assessments to RLA members and seven to Bulwark Association members were sent. All but one Bulwark member have paid, and 107 (about half) RLA members have paid. Dennis said that \$9,790 was deposited as of January 27th. He said that about half of the remaining unpaid assessments usually are paid in February. A second notice of unpaid assessments will be ready to go February 28, 1989. Dennis noted that one lady called long distance to explain that at the moment they could only pay \$20.00, which she had sent. The Board approved Dennis' compassionate handling of the situation.

Dennis also made the Board aware of the bill for the RLA property taxes amounting to \$85.24, for Retreat common areas.

Discussion concerned multiple contiguous lots being changed into one lot, or a member having several lots having the same number of votes, i.e. six lots, six votes. It was suggested that the matter be touched on at the Annual Meeting, but the feeling of the Board was that the one owner-one vote concept should remain, and that the multiple lot/multiple vote could backfire on the Board.

To the members who wrote complaining about the higher assessments as well as other complaints and with suggestions, Dennis will write a reply saying in effect that democracy isn't fair, and that their concerns have been sent to the Board.

OLD BUSINESS

Goodkin

There is no sign of life around Goodkin's property. Rebecca still has the papers ready to serve, and reminds the Board to let her know if he is seen. If he can be found out of state, the papers could be served, but it will be costly. Hugh offered to be especially aware of any action at Goodkin's place and will call Rebecca immediately. Judgement set by the Court is \$2,230, plus he must move his corral.

Debbie West

Graham and Tom met with Debbie on November 15th, 1988 and she was told to: clean out her culvert and keep it clear, get rid of the junk cars, not park any vehicles on other peoples' land, do no building or dirt work without ACC approval, take the hose up from across the road and get a permanent electrical hook-up. Debbie is trying to sell the property, and as soon as she does, plans to move. She was told that the Retreat has a judgement against her. She is on ADC, has no money and offered to work some of the judgement off. The parcel has two liens against it, and the money will be collected if she sells. The judgement cost is \$1,323.50, plus at least two years' assessments and two liens, about \$250 a piece. Graham will ask Rebecca to write to Debbie explaining that the Board wants her to work it out, that she owes the money which will be collected when she sells, and that her privileges are revoked (she cannot come to or vote at the annual meeting, or have any say in Retreat activities) until she has paid and is a member in good standing, and that she must continue to comply with the Retreat Covenants. The Board will not let this situation continue, and feels there may have to be a Sheriff's Sale in a year or two unless the problem can be solved.

There was discussion concerning the hose running across the road to the stream. Tom and Graham said Debbie had told them the County had told her it was okay as long as it wasn't used for drinking. The Board members present questioned this because Miller Fork is dedicated water rights. Jim Persichetti had to get an adjudication for water

rights so his horses could drink out of his private pond.

Matlock

Rebecca's position is that if the problem has been there a year and the Board has not acted, we are "SOL", and cannot do anything. Therefore, if the situation changes - if Al gets another horse, or if junk cars begin piling up again, or if he builds without ACC authorization - since the first certified letter was sent, the Board can then act. Graham asked the Board to be alert to changes in Covenant violations from now on, on Matlock's property. Duke asked for a copy of the law pertaining to the year as a statute of limitations.

Background on Matlock's situation was given by Jim Persichetti, explaining what former Boards had tried to do to get Al into compliance with the Covenants. He also explained that previous Boards had priorities too, one of them being the collection of all assessments, so they could go on to other problems which needed attention but also money.

Duke feels this Board isn't doing enough to enforce the Covenants and wants a special meeting to discuss the seventeen violations he listed, which he gave to Graham. There was lengthy discussion regarding Covenant interpretation, and By-law interpretation. Nothing concrete was decided at this time.

Silverado Communications

Graham read the proposal which was sent to us by Silverado Communications, which provided and installed one pay phone at no cost to the RLA at a mutually agreeable site outside Fire Station #2. The Retreat would be responsible for the monthly cost of the phone line, approximately \$50.00, any other US West charges, and for an electrical connection within twelve feet of the phone. In return Silverado Communications will pay 50% of the gross receipts of both local and long distance calls less any customer refunds to the Fire Station. This has been sent to Rebecca for review. When the advantage of this system was asked about, it was explained that we now pay \$51.00 a month with no chance for recovery, but with Silverado there could be a recovery. Graham will call US West to see how much money comes in, and what the "other charges" are. Hugh asked that if a change is made, that we are certain we can dial 911 on that phone.

NEW BUSINESS

Executive Offices

It was moved and seconded that Marvin Gee take over the Corresponding Secretary/ Assistant Treasurer, Legal Agent and Newsletter Person position from Dennis and Marcella. The motion passed. The new Retreat Executive Office address is P.O. Box #55, Glen Haven, CO, 80532, telephone #586-5485. This action was taken at Dennis' request. He will continue as ACC Chairman for the time being.

Bulk Mail

Marvin reported that Bob Clark, the Glen Haven postmaster will give a joint bulk rate permit to the RLA, GHA and GHVFD. It will cost \$120 the first year, split three ways, and \$60.00 for renewal, also split three ways. Marvin feels it would be a considerable savings. Discussion involved the knowledge that there must be four bulk mailings a year, and these do not include sending bills or assessments. Dennis explained that in his experience bulk mail is delivered slowly, and it is not guaranteed that the entire membership receives the mail, should there be a change of address. He said that it costs between \$68 and \$70 to send, and that the last mailing was 234 pieces sent for \$68.50. The Retreat mailing list has 238 people. Marvin recommends that the Retreat show our interest and spirit of cooperation by joining with what they are trying to do together, and try it for a year to see if it is cost effective for us. It was moved and seconded that the Board give Marvin the authority to spend \$40 on our behalf for this plan if the other organizations agree. The motion passed.

Marvin suggested that the RLA rent a drawer in the Glen Haven Post Office. It was moved, seconded and passed to accept this suggestion.

Next Meeting

In lieu of a special meeting which Duke requested, the next meeting will consist largely of discussion of the violations about which Duke is concerned, and address the seriousness, selectivity, and solutions of these violations. Hugh suggests that as different violations arise, the Board bring them up and decide then and there whether they want to pursue them, vote on them and get them out of the way. The Board was reminded to submit the violations in writing as to what violations they are, and where they are occurring. Graham asked Marvin to draft a generic letter to be sent to those whose violations have been noticed; this is to continue the "good neighbor policy" and to start the year of statute of limitations discussed regarding Al Matlock's violations.

Lengthy discussion concerned exposed propane tanks; Hugh said the law does not allow one to enclose a propane tank, because propane is heavier than air, goes to the bottom, the explosive potential is tremendous, and requires the owner to have alarm and ventilation systems.

Duke asked the Board members to indicate by name whether they believe the responsibility of this Board is to enforce the Covenants of the Retreat Association equitably. Some discussion was held, and Duke then said, "Then let the record show that the Board chose not to answer my question." The other members of the Board felt they had answered his question.

Conference

Dennis called the Board's attention to a CAI Conference to be held Saturday, March 4th, 1989 which concerns writing rules that work, rules enforcement, a guide for enforcing covenants, and other workshops that would be helpful to the Retreat. He suggested that members of the Board attend. It was moved, seconded and passed that the RLA pay registration fees not to exceed \$105 for Graham, Marvin and Duke to attend. It will be held at the Marriott Hotel Southeast at I-25 and Hampden Avenue in Denver. Dennis will see that these three men receive the pertinent information. He feels it would be helpful to our association, and an eye-opener to know what other associations are doing.

Other New Business

Rock Tallman's wood business is a concern to some members of the Board, as being in violation of the Covenants. It was noted that Rock has tried to find a place outside the Retreat. It was also noted that the Retreat has given the job to Rock. It is the consensus of the Board that this situation should be addressed, the word "variance" being brought up. Nothing was decided at this time.

Duke feels the Board has very serious problems, and ~~the~~ the members should go around the Retreat on their own, find violations and bring them to the next meeting, rather than using the list he presented to Graham.

Duke feels the Board should plan ahead in planning how to discuss the assessments with the membership at the next Annual Meeting.

Nest Board meeting at 9:30 a.m., at Fultons' place, March 25, 1989.

Respectively submitted,



Carol Fulton, Recording Secretary



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING March 25, 1989

The meeting was called to order by President Graham Fowler. All members were present except Maggie McDonald. Also present were Jim Persichetti, Environmental Chairman, Rock Tallman, Road Chairman, Dennis Bicknell, ACC Chairman, and Marvin Gee, Corresponding Secretary/Asst. Treasurer.

SECRETARY'S REPORT

The minutes of the January 28, 1989 meeting were approved.

PRESIDENT'S REMARKS

Graham read a letter he is preparing for the next Newsletter. This contains information regarding the "Big Snow", upgrading of equipment, Marvin and Charlotte as the new Corresponding Secretary and Assistant Treasurer, replacing Dennis and Marcella, new executive address, and the CAI Conference he, Marvin and Duke attended. In the letter he also reminded the membership to pay assessments, to let Marvin know of any address changes, and to not hesitate to send via mail or telephone, any issues with which they are concerned. The July 29th Annual meeting date was mentioned, and the fact that there will be two three-year term openings, besides the one-year left of Tim Stolz's term (to which Maggie was appointed) on the Board. It is hoped that Maggie will run again for that opening. Graham encouraged the membership to consider running for the Board.

Hugh suggested that the Board members be listed. Marvin said they will be, in every Newsletter. Hugh then added he felt we owe Rock a vote of confidence because of his efforts during the early February storm.

ROADS

Graham remarked that there were more complaints during the storm than we have ever had. A contingency plan was discussed. The following snow removal contractors charge from \$40 to \$50 per hour: Bill Fairbanks - 586-5121; Mike Atkins - 586-8707; Bo Williams - 586-2622; Ed Kitchen - 586-2091; Thumper Young - 586-3061 or 586-3646; and Chiefs - 586-4461. Rock explained that they expect to have a telephone in the fall. He will communicate with the Vice-President, should the need for putting the contingency plan in motion arise.

Rock reported that the Retreat now has a portable forced air oil fired heater to warm the grader so it will work, and has used it three times already since the storm. He explained that he usually plows Copperhill Road first, then Miller Fork. He tries to get everyone out as fast as he can.

The grader is the priority equipment to be repaired. The steel needs to be replaced on the headset, new drive belts are needed, plus a new clutch, and the engine overhauled. After discussion it was decided to forget the backhoe repairs for the time being, and get the grader repaired. It was moved and seconded that the road grader be repaired, but get bids to try to keep within the \$3000 budgeted for this year. It is to be left up to Rock to choose the people who do the repair work. The motion passed. It was noted that the backhoe works all right with the addition of oil, when that equipment is needed this year. Jim wondered if both pieces of equipment could be repaired at the same time, and paid for on a time payment basis. No action was taken.

Jim will check to see about the feasibility of a shelter for the equipment to be attached to the Fire House #2.

Dennis remarked that recently a 1968 road grader sold for \$27,000, and noted that a brand new road grader (worth \$85,000) broke down on I-25 during the snow storm.

Discussion about the spongy places in the Retreat roads brought out that they are formed by the frost melting at different times in different places on the roads. These are called "Frost Boils".

ENVIRONMENTAL

Jim reported that twenty-five more responses have been received since the last meeting. There are six landowners who do not want anyone on their land. Jim will give Rock the master list so Rock can mark the trees. He said that they have adopted the policy that those who have failed to respond to the various surveys, will have their lots accessed, mark, cut and treat the trees. Rock will begin marking the trees soon. They have noticed that the lots to which they could not access have infestations which have multiplied three to four times. To those landowners who want to cut their own trees, and have clumps of infestation, Jim will send notices, telling them to either do something about it, or let the Board know what they will do about the infestation problem.

Rock, noting that there are over 100 more lots to which they have access, is concerned about whether the budget will allow the work. The cost to the RLA is about \$4.00 a tree now. Jim said to go ahead, do what he can, and it will be periodically analyzed to see if they are staying within the budget.

Jim reported that he has not received the results of the Forest Service's Egg Mass count as yet, but they seem to feel we have no problem with Budworm.

Rock said that many trees were hurt by this winter's very cold weather. Junipers seem to be especially brown, but is the feeling of Rock and Jim that once the warm weather is here they will rejuvenate.

Jim will check with the County as to when they are going to spray for noxious weeds.

Tom passed out copies of a Trail-Gazette article of March 10, 1989 concerning loose dogs. It was suggested that it be included in the next Newsletter.

ACC

Dennis reported that there is no new application for building since the last meeting. There are a couple driveways that may be built - Dingles (lot 38, Filing 1) and another whose name was not clear on the tape.

Hugh wanted to clarify some statements he'd made regarding walls and fences around propane tanks - As long as they are not solid, there is no problem with ventilation.

TREASURER'S REPORT

Dice passed out the treasurer's report. The Board was impressed with the new format. It was moved, seconded and passed to accept the report. Copy attached.

CONFERENCE REPORT

Graham, Marvin and Duke attended a CAI Conference on March 4th. Graham attended the workshops having to do with Budget. As a result of what he learned, he suggested adding two categories, "Reserve Replacement Category" and "Replacement Fund" to next year's budget. In the "Reserve Replacement" the Board plans ahead on what percentage to put into reserve. In the "Replacement Fund" it is to replace capital expenses. These two categories would build up over a long term.

Jim suggested that at the next Annual Meeting, the expenses which are incurred in pursuing Covenant violations, be explained to the membership, and point out how much is out because the three big violations this year, that much of it is not recovered, and that it takes three to four years to do so. He feels it is important for the membership to realize the cost.

Graham said that at the conference, some mistakes that Landowner associations do in preparing budgets, are ignoring the aging process, maintenance costs, lack of planning for contingency, not defining standards, planning for the short term rather than the long term. failure to budget all items including legal fees and bad debts.

It was suggested that an anticipated budget be presented at the Annual meeting with all the items from the above paragraphs included. This should help the membership understand the need for a possible raise in assessments above the \$100 limit. The Board feels that the assessments should be equitable for everyone regardless of whether they are full time residents or infrequent visitors - that it is for the good of the community.

Graham reported that enforcing Covenants through Small Claims Court can be done, but the Court cannot make the violator move or clean up his act. This Court can only rule on money, the limit being \$1500.

ASSESSMENTS

Marvin passed out the list of the outstanding assessments. There are twenty-three RLA members and one from Bulwark. He reported that Baggley's property has gone on the block for a sheriffs' sale. The Retreat has two liens on his property for two years. The Board feels Rebecca should go after the liens. Marvin will call her to ask her to pursue our interests. In explaining the other members on the list, he said that Susan Mills (lot 5, Filing 3) is in the process of foreclosing on Debbie West. In his call to Rebecca, Marvin will tell her what's happening and ask her advice. Hugh wondered if in the event of foreclosure, does the lien still stand. It is hoped that Rebecca can answer. Marvin will also ask Rebecca to send letters to those who have not paid their assessments, with a 15-day limit before liens are filed.

OLD BUSINESS

A. Goodkin

Graham said that Rebecca could have Goodkin tracked down for \$60. He told her to go ahead. The Board agreed.

B. Land sold for taxes

Duke reported that he learned at the conference that when someone's land is sold for taxes after three years, the buyer is not obligated to belong to the association. He asked Marvin to check on this with Rebecca, on what happens to the liabilities of the owner who bought through taxes.

C. One Year Limitation

Graham read from the statute: "No action shall be commenced or maintained to

enforce the terms of any building restriction concerning real property, or to compel the removal of any building or improvement on land because of the violation of any terms of any building restriction, unless said action is commenced within one year from the date of the violation for which the action is sought to be brought or maintained."

D. Fire Department

Duke reminded the Board that the \$500 donation hasn't been paid, and that the \$200 for the fall mailing, which the Board voted to pay, is also due. Dice will attend to these matters. This will be a total of \$700 to the GHVFD from the Retreat.

Duke also has formed a "Friends of the Fire Department" committee which will meet at 5:00 pm March 29th. They will investigate the feasibility of a tax district. He said that the GHVFD needs about \$40 per mailing address to meet their budget. A bulk mailing of 500 was sent out. He said if a tax district is formed, the cost would be \$20 per mailing address. A report will be made at the Annual meeting explaining the goals.

As individuals, the Board members support the idea of a tax district.

E. Silverado

Graham sent the proposed contract to Rebecca who read it. He feels, after receiving her response, that we would become legally involved and bound by it, where we don't have a contract with US West. The feeling of most of the Board seems to be hesitant about going with this, that it would be more beneficial to a group of 100 phones, than to our one public phone. Duke will talk with Jim Boyd about their contract at the YMCA.

NEW BUSINESS

A. Lowering County Assessments

Duke, noting that there is a difference in assessed valuations in Filings 1 and 3, and Filings 2,4, and 5 wondered if the Board should assist the RLA members in getting their assessments lowered. After discussion, it was decided that Duke will write out a fact sheet regarding this, and give it to Marvin for the next Newsletter, for the information of the membership.

B. Duke's other concerns

Duke's list contains Rock's business being in violation of the Covenants, a place to put the equipment (which was discussed under Roads) and the possibility of another fire house in the farthest corner of the Retreat.

C.irate Letters

Marvin reported that he received several letters from disgruntled landowners regarding the increase of the assessments. He will write placating letters to them, and explain that the Board struggles with the setting of the assessments.

Marvin will also put highlights of the Board meetings in the Newsletters, so that the membership will realize that the directors don't just sit around drinking coffee.

D. Annual Meeting

1. Jim Persichetti mentioned the Big Thompson Association Building as a possible place for a future annual meeting, citing a kitchen with running water, bathroom facilities, plenty of room inside the building, and plenty of parking. It rents for \$50. It was felt that this might be a good place for another year, but that this year we go with the Glen Haven Building. Tom will make the reservation for this year.

2. Tom's and Graham's terms are up this year, and Graham will run again. At the moment Tom does not feel so inclined. Maggie will have the opportunity to run again to complete Tim's term. So there are three openings on the Board.

3. Graham will prepare bar graphs or pie charts that will show this year's expenditures, and where increases are expected, the two new categories and the reasons why. He will have a two-page handout to try to sell the anticipated raise in assessments.

Marvin will look through the records to help in predicting next year's budget, and to help to prepare the graphs.

It was suggested that this information be sent with the last Newsletter before the Annual meeting, as well as having handouts at the meeting.

ENFORCEMENT OF COVENANTS

At the CAI Conference, Duke attended the workshops covering Covenants and By-Laws. He recommends that the new RLA President attend future CAI Conferences. He detailed his experiences at the morning and afternoon sessions. He said the lawyers with whom he spoke and to whom he showed our Covenants and By-laws, feel our Covenants aren't very good, and that there is no legal item in the Covenants establishing the Association.

Jim explained that our By-laws have been revised three times since the Association was formed. He said that in the title policies it states that every landowner who bought here, then and now, is a member of the Retreat Landowner's Association.

Duke wants to know where it says to change the Covenants there must be 100% approval of the membership. Jim said that every lawyer prior to Rebecca, and including her, have said that the Covenants as a State Statute, cannot be changed by any less than 100%.

Marvin will look through the records and find this information.

Duke feels, from his discussions with the conference lawyers, that we should have rules and regulations along with the By-laws and Covenants. Jim again explained how former Boards revised the By-laws, trying to make them as correct as they knew how to be, and that after review by our attorney, presented them at the annual meeting for approval by the membership.

Getting to the enforcement of the Covenants, points brought out in the discussion were that the reason for the Association to exist is to protect, and that it is the Board's job to interpret the intent of the Covenants when checking perceived violations. Graham has talked with Rebecca about enforcing every Covenant. She is sending him a letter which he has not received yet, but said that the Board is not obligated to enforce every Covenant violation that comes up; that we are allowed to establish a priority list from which we can decide which violation we want to enforce. Tom asked that copies be sent to the Board members to protect the Board from people who could question why one violation is pursued, and another is not. Budget is one constraint in making priorities. If the Board receives a letter from someone regarding a violation, it is obligated to pursue the violation. This helps in sifting out wild goose chases on certain violations, and helps to focus on violations that are problems to others. Jim suggested that in the next Newsletter something be said that in the spirit of enforcing Covenants, the Board will respond to any written letter by any landowner who feels there is a Covenant violation. Getting the membership to pay their assessments is one of the duties of the Board in enforcing the Covenants. Jim explained that before Dick Weirmeister came on the Board, there was little money and enforcing Covenants were done by Board members and Dennis going around, talking to the violators and trying to get them to comply. When Dick came on, the Board began getting money because of his efforts in assessments, and we have been able to have an attorney to guide us.

Hugh feels the Boards historically have done very well, and that where Duke is concerned about rules and regulations being followed to the letter, the Boards are trying to put humanity into the interpretation of the rules.

It was noted that Rock and the ACC have tried to get members to clean out their culverts. It was suggested that the people be notified in writing that they have plugged culverts. Dice said that in Weld County these people are notified, are given a time limit to clean them out, and if that isn't done, the County comes in and does it, and the landowners are charged for it. If they don't pay, it is added to their taxes.

The feeling of most of the Board is that they don't want to be over-policing by going after every violation no matter how small. But if there is a big problem, of course it should be pursued.

Duke asked that the Board send Rock a notification that his saw mill business is in violation. After lengthy discussion, it was moved and seconded that Rock be granted a variance to continue his wood business on his property for a period of one year from this date, said variance subject to annual review, and requesting from him a letter concerning his long range plans to relocate his business outside the Retreat. Discussion involved the fact that we are giving him the wood, through his cutting trees for the Retreat, and that he is trying already, to find a place. Duke moved that an amendment be added to the motion that no action be taken on this motion until reviewed by Rebecca. The amendment was seconded and passed. The motion passed as amended with one negative vote.

The next meeting will be June 3 at Dice McKnight's Retreat cabin at 9:30 a.m. Note the change from the May 27 date, previously planned.

Respectfully submitted,



Carol Fulton, Recording Secretary

TREASURER'S REPORT
FOR JANUARY 1-MARCH 1, 1989

	Budget 1989	Expenses Through 2/28/89
(AC) Accounting Audit	180.00	--
(MT) Annual Meeting	250.00	--
(D) Donations - GHVFD	500.00	--
(EC) Environmental Control	800.00	120.04
(ER) Expense Reimbursement	275.00	61.19
(EQR) Equipment Repair	3,500.00	439.42
(IN) Insurance	2,200.00	1,849.00
(LG) Legal Services	3,500.00	17.30
(MD) Membership & Corporate Fees	115.00	--
(MISC) Miscellaneous	555.00	105.00
(OS) Office Supplies	1,500.00	167.00
(TX) Property Taxes	75.00	--
(RM) Road Maintenance	4,500.00	545.00
(SS) Secretarial Services	750.00	20.00
(TEL) Telephone @ Firehouse	800.00	102.62
(TS) Trout--Stocking	750.00	
TOTALS	20,250.00	3,426.57

CHECKING ACCOUNT			MMDA	
1/1/89	Beginning Balance	1,801.20		4,206.85
2/28/89	Interest	74.20	2/3	Interest 20.41
2/28/89	Assessments	<u>13,585.00</u>	3/3	Interest 18.31
		15,460.40		
2/28/89	Expenses	3,426.57		
8/28/89	BALANCE	12,033.83		4,245.57



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING

June 3, 1989

The meeting was called to order by Treasurer Dice McKnight, in the absence of President Graham Fowler and Vice-President Tom Fulton. All other Board members were present. Also attending were Dennis Bicknell, ACC Chairman, Tony Besson, I.B. Muller and Charlene McKnight, landowners.

SECRETARY'S REPORT

The minutes of the March 25, 1989 meeting were approved.

OPENING COMMENTS

Hugh feels the Covenants and By-laws have failed to include anything concerning single family dwellings, primarily because it was not envisioned when the Retreat was opened. There are some cabins which are owned by several families, but they do not live there at the same time. However, at the Goodkin cabin (Filing 1, lot 51) there are between four to six adults and five to eight children living there. They are unemployed, are getting ADC for five children, welfare for three single women, are uninsured, and are on rent subsidy. Hugh noted that this property has been a problem for several years, and that these people who are renting are not desirable neighbors. They have two 3-wheelers on which the children have been riding, unhelmeted, up and down the roads, and on private property. He is attempting to get video tapes of them as they are violating Colorado law: anyone under age 15 cannot operate such a vehicle without a license, no helmets, contributing to the delinquency of a minor, and abusing private and County roads. Duke had called the sheriff's department on the same matter, and reported that Deputy Bothwell said that this type of vehicle has to meet the regulations for regular vehicles. Concern about liability, should anyone be hurt on one of these vehicles in the Retreat, and the nuisance of the noise, were noted. Hugh said that the deputy sheriff with whom he spoke, told him that if he had evidence, such as a video tape, and filed charges, then each of the charges would have to be answered. He intends to do that as an individual, rather than as a Board member.

Maggie feels that there should be a policy on renters, and mentioned that Dorothy Mills is also going to rent her cabin this summer. It was suggested that the Board develop a letter for renters, including a copy of the Handbook. Discussion involved the two or three long-term renters in the Retreat, and how they have been good neighbors. Dennis said that these people have been receiving all the mailings except the assessments. It was also suggested that these long-term renters be invited to the annual meeting.

Hugh will prepare a presentation to give at the annual meeting, regarding renters. He will get together with Graham for his approval before the meeting. Dennis suggested that he review the minutes from early 1986, where there was a lot of discussion regarding by-laws, and suggesting anyone who rents their cabin advise the Association, so we know who they are and what they are; that the owner is responsible for anything the renter does. He said that Rebecca should be advised about the situation at the Goodkin cabin in writing from either Marvin or Graham.

Comments by Dennis and Hugh brought out that Mark Goodkin's whereabouts is known, that he is living with his father, but getting mail at his sister's address.

Concern about fireworks was brought up. There is a County Ordinance against it, and the feeling expressed was that the membership should be made aware that fireworks should not be in this kind of area. It was asked that something should be put in the next Newsletter before July 4th.

Duke is under the impression that the laws of the County should be enforced by deputies even when they are off-duty. He wants Graham to contact the sheriff's department and also talk to Jack Benson to see if he would observe the actions going on at the Goodkin cabin.

More concern involved the dogs barking, and a pack of dogs running loose in the Retreat. I.B. has notice a pack of two black, and one brown dogs chasing wild life.

ROADS

Rock, in a letter to the Board, said he has an appointment with a qualified mechanic in Berthold, who will come to look over the grader in preparation to getting it fixed.

He said there are two major curves west of Jerry Spencer's place, on Miller Fork which have the edge of the road cracking off, and will involve extensive work. The Phone company will be coming through in July with a big CAT with a ripper. Rock feels he should wait until they are through before working on those curves.

Rock suggested that a good place to put a garage for Retreat equipment would be on the lot between Jim Boyd's place and his. It is for sale for \$16,000, and from

his discussion with the Real Estate agent, it sounds as if the owner would be interested in a reasonable offer. He suggests the building be 30'x 40' in size at the minimum. Duke recommended that a committee be formed to work with the GHVFD to build the maintenance building, since the GHVD is considering building a fire house back in that area.

ENVIRONMENTAL

Jim Persichetti, via phone call to the Fultons, reported that Rock had been having problems accessing lots they'd been given permission to go on. He expects to get that straightened out in the near future.

Board members wondered if the wild cucumber and thistle have been sprayed by the County as yet. Jim was to have checked.

The stream will be stocked in late June or early July, after the spring run-off.

ACC

Dennis reported that there are still no applications for new cabins. He received an application to build an addition on Little's cabin (Filing 2, lot 54) and McDonalds (Filing 1, lot 81) have applied to add on to their deck and build a storage shed.

He reported that a set-back variance was requested on lot 29, Filing 1 from Wagaman, to the Larimer County Planning Board. The Planning Board notified Bennett, Thut and Sanford, all whose land is within 500 feet of the variance request. All these people, including Dennis showed up at the County variance hearing, and spoke against granting the petition, which was asking to be twenty-five feet from the stream. Dennis said he gave the Planning Commission a hard time, reminding them of our association being active, asking why they don't contact this successful, viable organization, and pointing out that the planning committee never visits the site, that since the inadequate drawing shows no contours of the land, how can they make an intelligent decision. He pointed out to them that there is a trail through the property, and they will have septic or vault, and well problems. The Planning Commission table the decision, but Dennis was unable to get to their next variance meeting, and he feels they probably approved the request. He will find out what the outcome is and inform the Board. He said the Planning Commission is not in violation of the RLA Covenants, but are in violation of the spirit of the Covenants.

After more discussion it was moved and seconded that 1) Marvin write a letter to the Larimer County Planning Board, and send copies to the Commissioners, requesting advance and timely notice to the Retreat Landowners Association, concerning any requests for consideration of a variance; and 2) that a letter also be sent to CAI, requesting their assistance in dealing with these situations. The motion passed. Dennis will consult with Marvin in preparation of these letters. He said the letter should ask that #1, any viable association be notified of any requests for variances, and #2, that the association be given the opportunity to make a positive/negative answer back to them. He said that the Larimer County Government is driven by fear of liability which colors any of their decisions, and suggests that in the letter the mention of liability could be made if they don't follow the RLA's wishes.

Dennis noted that there seems to be a growing trend from letting the County make decisions such as is being discussed, and letting the State do it. He has an article about this and will send copies to the Board members.

More discussion regarding the variance process brought out that the RLA Board give the variances within the By-laws; a process for variances should be in place; Maggie suggested a By-law be made that one requesting a variance from the County Planning Committee, notify the RLA; that if the County Planning Commission had a favorable or unfavorable suggestion from the RLA, it would be easier for them to make an intelligent decision; and that the elected Board should have the opportunity to grant or not grant the variance.

In other ACC business, the problem of Howarth's (Filing 1, lot 25) roof material was discussed. Dennis reported that he had polled the ACC, asking the members to advise whether the material is appropriate to the Retreat, and would they approve the change. Mr. Howarth had changed from the approved asphalt to a metal roofing. Dennis said that the ACC members were upset that approval was not asked for before hand, but that most felt the metal material would be all right; they recommended a letter be sent to Howarths expressing their feelings. As a result he recommends that the RLA write a letter to both Howarths and Black Creek Construction expressing their extreme displeasure as to the method in which the change was made, that the change is reluctantly granted, that the building material originally specified in the "potting shed" be maintained as approved, and that no request would be accepted to change the roofing material to the Pro-Panel II material, and to please continue to follow the original application.

Discussion concerned at what point it is necessary to have a change approved, and that a By-law be made that if you want to change the exterior of your structure, (a through f on ACC application, page 32 in back of Handbook) you go to the ACC with an application, that the owners should read everything on the ACC application, that explains who is responsible for the various work, and that an addendum should be made to the application that any change should be approved by the ACC. Dice recommended that a strong report from the ACC regarding the above problems be made at the Annual Meeting.

Tony Besson went on at great length with his feelings about Howarth's land, the roof, and his version of what the other ACC members felt.

In other ACC business, Hugh called to the attention of the Board, the fact that Al Matlock now has four horses and two burros, and that he has a photo of these animals. Dennis suggests a letter be written to Al, telling him he is in violation of the Covenants, and a letter to Rebecca including the picture from Hugh.

Regarding Rock Tallman's request for a variance, it was moved and seconded that the Board approve the variance from Rock as requested in his letter, for one year at a time, if Rebecca says there's no problem. Duke moved that the cornering and contiguous property owners be notified before a variance is granted. This motion was seconded and both motions passed. Dice asked that Duke take care of notifying by letter, the McMahons, the Rains and Branneky.

TREASURER'S REPORT

Dice passed out the Treasurer's Report and explained the current expenses. He noted that he'd moved \$6,000 from the checking account to the MMDA making a total of \$10,286.32 in the MMDA, as he tries to keep the MMDA balance \$10,000. It was moved and seconded to accept the report. The motion passed. Copy attached.

Duke will report on the contract business with the Silverado telephone company. Dennis said that Marvin has the information on who is to pay for a touch-tone change on the Firehouse phone, and suggests this be followed up.

Dennis received the appropriation of taxes on the common areas, and will give the material to Marvin for the file.

OLD BUSINESS

A. Fire Days

1. Duke reported that the GHVFD Fire Days is August 12, 1989, and that all of the committees are filled.
2. I.B. wants permission at the Annual Meeting to ask for baked goods for Fire Days.
3. "Creativity in Wood", Hugh's business, sharpens knives and good scissors @ \$1.00, proceeds go to GHVFD.

B. Difference in assessed valuations

1. Duke has researched this and wants to make a report at the Annual Meeting.
2. Dennis mentioned the article on "Property Tax" by Mary Ann Mauer, copies of which he has given to the Board. He would like Marvin to print it in the next Newsletter.

C. Friends of the Fire District

Duke hasn't drummed up any interest in the Fire District, and wants to make a presentation at the Annual Meeting.

NEW BUSINESS

A. Annual Meeting

1. Duke's presentations on the above mentioned items.
2. Hugh's presentation on all-terrain vehicles, if they are legal on the road, legal operator or operation, and if they are nuisances.
3. I.B.'s request
4. Duke wants to give a slide presentation on the history of the Retreat at the potluck, and would like to lead a history hike up to Piper Meadows.
5. Other reports from ACC, Roads, Environmental Committees, and President's remarks.
6. Election of officers

B. Election of officers

There will be two three-year terms and one one-year term (to fill out Tim's unexpired term which Maggie is filling). Tom chooses not to run again, Graham will run, and Maggie will run for the unexpired term. In addition, Maggie will talk with Mary Purrington and Jean Haden, Tom will contact Jim Boyd and John Thut, Duke will contact Earl Runnels, and Carol will contact John Tuxhorn and Mr. Pfief. These are suggested people to run for the Board also.

C. Assistant Treasurer/Corresponding Secretary

1. Marvin reported that liens have been filed against Campeau, Connolly, Robert Duncan and Hallstrom.
2. No lien has been filed against Debbie West because of her intent to pay \$10.00 a week. Marvin suggests a lien as she has not continued to pay since the first payment of April 25, 1989. The feeling of the Board is to await the decision between Rebecca and Debbie.
3. Marvin had a copy of a letter from Rebecca's office to the Sheriff in Philadelphia, asking to have Mark Goodkin served personally with the Order for Default Judgement and Injunction.
4. Marvin wondered if Ernie should receive copies of the Board minutes, as he has in the past. After discussion it was decided to keep Ernie on the list.
5. Newsletter
 - a. Date to mail should be June 29, thirty days prior to the Annual Meeting.
 - b. Should contain Proxy forms

- c. Notification of the date of the Annual Meeting
- d. Absentee ballot
- e. Mention of the three Board openings
- f. Short biographical sketch from candidates
- g. Dennis says it is important to lay groundwork in the Newsletter and suggests Duke put in something about the taxes and the fire district.
- h. Letter from President including the raising of assessments for next year.
- i. Any reports from Jim or Rock

D. Potluck

1. Duke offered to do a program of slides of the history of the Retreat.
2. It was moved and seconded to rent port-a-potties @ \$40.00 each for the Annual Meeting. It was suggested that two be rented. The motion passed. No one was put in charge of obtaining these.
3. Committee for the potluck suggested by the Board are Charlotte Gee to organize the food, the Littles, Satterfields, Charlene McKnight and the Weinmeisters. It was noted that it takes about three to four couples to prepare the food and program.

Next meeting - July 29, 1989, 9:30 a.m., Community Building in Glen Haven.

Respectfully submitted,

Carol Fulton, Recording Secretary

TREASURER'S REPORT
 FOR MARCH 1-JUNE 1, 1989

	Budget 1989	Expenses Through 5/31/89	Expenses March-April May, 1989
(AC) Accounting Audit	180.00	180.00	180.00
(MT) Annual Meeting	250.00	--	--
(D) Donations - GHVFD	500.00	500.00	500.00
(EC) Environmental Control	800.00	504.65	384.61
(ER) Expense Reimbursement	275.00	118.56	57.37
(EQR) Equipment Repair	3,500.00	851.86	412.44
(IN) Insurance	2,200.00	1,862.00	13.00
(LG) Legal Services	3,500.00	743.57	726.27
(MD) Membership & Corporate Fees	115.00	20.00	20.00
(MISC) Miscellaneous	555.00	305.00	200.00
(OS) Office Supplies	1,500.00	419.71	252.71
(TX) Property Taxes	75.00	85.24	85.24
(RM) Road Maintenance	4,500.00	1,147.97	602.97
(SS) Secretarial Services	750.00	140.00	120.00
(TEL) Telephone @ Firehouse	800.00	212.69	110.07
(TS) Trout--Stocking	750.00		
TOTALS	20,250.00	7,091.25	3,664.68

CHECKING ACCOUNT			MMDA		
3/1/89	Beginning Balance	12,033.83	3/1	Beginning Balance	4,245.57
5/31/89	Interest	118.35	4/5	Interest	21.26
	Assessments	5,795.00	5/3	Interest	19.49
	TOTAL	17,947.18	5/15	TR/CK	6,000.00
5/15/89	To MMDA	-6,000.00			
5/31/89	Expenses	-3,664.68			
	BALANCE	8,283.50		BALANCE	10,286.32



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING July 29, 1989

The meeting was called to order by President Graham Fowler. All members were present. Also in attendance were Jim Persichetti, Environmental Chairman, Rock Tallman, Road Chairman, Dennis Bicknell, ACC Chairman, and Marvin Gee, Corresponding Secretary/Asst. Treasurer.

SECRETARY'S REPORT

Duke explained that he did not contact the landowners surrounding Rock Tallman's place, as he was instructed at the last Board meeting, and apologized for ordering Porta-potties from one company, while Maggie had previously ordered some from another company, to take care of the annual meeting. The secretary's minutes of June 3, 1989 were approved.

PRESIDENT'S REMARKS

Graham said the two serious things to discuss were Rock's request for a variance, and raising the assessments. In thinking about next year's budget, he feels there should be "Reserve Fund" as an added and integral item. Noting that we have had a \$10,000 fund to fall back on, he said it will be down to \$4,000 by the end of the year, and that it has not been specifically planned for. He would like 10% of the new budget to be earmarked for the Reserve Fund, to gradually build it back up to \$10,000. He showed the Board his proposed budget, which will be shown to the membership at the general meeting, and explained the amount being spent for environment should also be increased - even doubled, since they are running out of money for the work they are doing this year. He showed a graph which will also be shown to the membership, outlining three goals: 1) grader repair, 2) build up the reserve, and 3) resolve the legal issues.

Discussion revolved around how to handle the raising of assessments without provoking the membership. Graham feels the assessment increase should not go up more than \$10 a year. He asked Marvin to say something at the annual meeting regarding the cost of living increase, and the cost of running the Retreat business. Between their remarks they hope to set the mood of the meeting, to sell the idea to the membership. There are two ways to get the assessment increased: 1) the Board makes the decisions, and 2) the membership votes. Hugh feels the Board has domain over this decision, and encouraged Graham to remind the membership that their friends and neighbors agonized for eight hours over setting the budget and assessments. Maggie agreed with Graham's idea of tabling the action until after it is presented to the membership, then let the new Board vote on the issue. Graham wants the basic thrust to be that the Board wants to keep the Retreat as it has been, as much as possible. More discussion concerned multiple land ownership, and the paying of one assessment no matter how many lots one owns. The idea of how much control that one owner would have, should he be assessed for each lot he owned, was mentioned, as well as how much more revenue would be brought in. Marvin cautioned the Board that no matter what scheme for assessment is used, it will be inequitable to someone. He said the assessment issue is psychological/emotional more than a dollar issue, and that the Board should take action, submit it to the membership for ratification, and be careful not to make a mountain out of it, - to overblow the idea. No action was taken at this time.

ROAD REPORT

Rock detailed a list of the work that was done on the grader, which included the engine being completely overhauled, bolts tightened or replaced, new gaskets, cracks welded, new seats, front bearings repacked, regular brakes fixed, rebuilt blocks on the main ring, doors fixed, brackets welded. He will advise the membership of this at the meeting. The Board was sure there'd be some discussion at the meeting regarding the February snow and removal. Rock's philosophy: "If it's too inconvenient for you to be snowed in here once in a while, then don't move here."

Rock also made of list of road work that needs to be done, but will hold off until fall to do the work, to give Mountain Bell a chance to dig their trenches as they lay the cables for the new phone lines back into Filings 4 and 5. Dice reminded Rock that the phone company tends to cut through the culverts, so Rock will keep tabs on their work. Rock says he hopes to utilize their equipment in some of the road repairs. Graham asked Rock to prioritize the road repairs with the idea of those that could be a liability being done first. Rock figured that road base two inches deep and fourteen feet wide would cost \$5,000 per mile. There are twelve miles of roads in the Retreat, making twenty-four lane miles. He said there are a few spots where it would help to put in some road base. The suggestion was made that the membership at the meeting be made aware of the cost. A little under \$3,000 was spent this year for road grader repairs.

It has been estimated that the cost of the backhoe repair next year will be between \$1,200 and \$1,500.

Graham thanked Rock, for the Board, for the pride he takes in his work, and in doing such a good job for the Retreat.

ENVIRONMENTAL

Jim Persichetti reported that a total of 159 survey forms have been returned, and that there have been no replies from 103. He said Rock has cut and treated over 160 beetle infested trees. Rock has a list of lots that have pockets of beetle trees. Jim has prepared three copies of the master list, and will mount them on the board for the membership to look over, to see if they wish to change their response, in light of the recent forest fires, and his report on the condition of the infestation. He said the migration of the insects is now six to seven months, where in the past it was only about three months. He has talked with Frank Lancaster (Larimer County pest inspector) to find out what he could and would do to get the reluctant lot owners to remove their trees. Mr. Lancaster would act on the request of the Board to have the infested trees taken care of. It would put the landowners in the position of either cooperating with the Board, or the trees would be cut by the County and the cost would be charged on their taxes. The remarks of the Board members showed that they feel this approach is proper - that the Board must be aggressive to protect those people who do care. Jim clarified that this applies specifically to two categories: 1) those who do not want anyone on their land, and 2) those who want to cut their own, but aren't doing anything about it. With the people who have not responded, Rock is going in and cutting and treating the trees, but leaving them. For the Board's clarification, Jim explained that the Environmental Committee is considering a "no response" as a "yes" to cut and treat, but are carefully observing the above mentioned categories, and not accessing their land. It was noted that some old dead trees should be left for the wild life, but to get rid of the newly dead or dying trees as soon as possible. Rock remarked that he got the feeling that some of the membership thought they would be charged for his cutting and treating the trees. Graham feels that \$700 should be added to the Environmental fund in next year's budget. Jim said that Ray Mehaffie from the National Forest Service feels there will be no need to spray in the 1989-90 year.

With regard to noxious weeds (Canada Thistle and Russian Thistle, Leafy Spurge) Jim said that Larimer County will spray on Dunraven Glade Road very soon. He suggested Gordon's "Tri-Mix" as a very effective control; that "Weed-be-Gone" works on smaller plants. He said that it often takes about ten days to show it's working, and to spray again at that time.

Discussion concerned the recent Boulder Fire, and Jim will have articles on the board regarding the fire and ways to protect one's property, for the membership to read.

ACC

Dennis reported that currently Hawthornes (Filing 4, lot 34) are requesting to build a cabin. He said there are several requests for deck expansions, and small additions to existing buildings. Questioned about whether the ACC should be notified if there is grading being done for non-construction purposes on one's lot, he responded "Why not let the ACC know?" He reasoned that in those cases, the neighbors can be made aware, and that there could be a chance for nearby people to use the excavator while he's in the area. Another reason is that through the ACC some of the excess dirt can be put on the Retreat roads.

In reference to the Howarth situation, Dennis said they seem to be getting pretty close to finishing the "potting shed"/guest house as requested by the ACC. Dennis asked the Board to "keep it to themselves", that the original application Mr. Howarth submitted for his "potting shed" called for corrugated metal roof, and that he was directed to follow his exact plans, and that the ACC members had approved the original application.

Dennis also reported that the Larimer County Planning Commission did indeed grant a variance on Wagaman's property (Filing 2, lot 29). This is where he wished to build a cabin twenty-five feet from the stream. He said the neighbors, Tuuts, Bennett and Mrs. Sanford who had spoken against the variance, have started a suit against the County. Mrs. Sanford will buy the lot from the new owner, who will in turn buy lot 17, Filing 2. Dennis understands, from a conversation with this new owner, that he will probably ask for a variance on that property. For more details, refer to Board minutes of June 3, 1989, page two, under ACC.

Discussion concerned the Miller Fork Trail being diverted on Van Butsel's property (Filing 4, lot 19). It had been surveyed by Larimer County and the indication is that it cannot be moved. It was noted that the diversion looks very good, and is down by the river. The problem is that it cannot be moved legally. Dennis suggested writing a letter to the Van Butsels to let them know they are in error as far as Larimer County is concerned.

Rebecca did send letters to Larimer County and CAI as requested at the last Board meeting.

Dennis intends to make a big plea for someone to take over as ACC Chairman at the annual meeting.

TREASURER'S REPORT

Dice passed out both the treasurer's report, and the auditor's report for the twelve months ending December 31, 1988. After a short discussion, it was moved and seconded to

accept the treasurer's report. Passed. Copy attached.

OLD BUSINESS

- A. Goodkin: Graham reported that Mark has a lawyer who called him and asked for a deal. Graham said "No deals.", explaining to the lawyer some of the background; that the corral must be moved and the Retreat must be paid the money. The Board concurred with this action. Rebecca has been trying to get Mark served, but he's not been cooperative. Graham said he received a letter questioning if the Board could do anything regarding the renters and rent subsidies. Rebecca has checked into this and said we can do nothing, but if the renters break the law or have Covenant violations, then the Board can take action.
- B. Debbie West: Graham reported that Debbie is living in Canyon City, Arizona, has made two payments, one \$10 in April and \$20 in July. She is trying to sell her place. Rebecca recommends a lien on the property for any unpaid assessments. Susan Miller, a member of the Retreat, who was selling the property to Debbie, is starting foreclosure on the property. The concensus of the Board is to follow Rebecca's advice - if she says "forget it", we should. Marvin will proceed with filing a lien against the property.
- C. Matlock: Graham said Rebecca is ready to go, and is waiting for pictures and evidence. Her letter to Graham was read, in which she cautioned the Board to enforce the Covenants in a fair and consistant manner, the Board having a duty to enforce the Covenants to protect the lots within the sub-division, and not force certain landowners to obey certain Covenants, but allow others to disobey the same Covenants. But, she said, the Board has descretion in enforcement of the Covenant where the violation is minimal, or where the Covenant requires interpretation by the Board of the action. Exceptions to enforcement should be kept to a minimum, but the defense of selective Covenant enforcement has not been successful unless the selectivity has been blatant. Graham said that the "time clock" for Matlock can be started again by the documentation presented to Rebecca. Graham will call Rebecca to talk the situation over, to have her send Al a letter reminding him to keep the place in order.
- D. Tallman Variance: Rebecca cannot recommend a variance approval of Rock's commercial wood business. After discussion it was moved and seconded to table any action until the next scheduled meeting. Passed.
- E. Annual Meeting Preparation: Discussion concerned the proceedure, the various reports, the eleven received proxies to pass out, the responsibilities of the renters, that Robert Duncan and Debbie West are ineligible to vote should they attend the meeting, a report by the GHAVFD chief, that Graham will try in his President's Remarks, to set the mood so the attending membership would understand the need for increasing the assessments.
- F. Assessment Revision: Hugh moved that this Board make a change in the By-laws with regard to the lid on the assessments, and that the lid be raised to \$150, but not to exceed 10% per year. (This is changing Article VII, Section 1, sub c which would then read "The annual assessments shall not exceed \$150 per family membership without the approval of a majority of the members present at a meeting called in accordance with the provisions of these Bylaws.") The motion was seconded by Maggie. After a short discussion Tom moved that this motion be amended to leave out the 10%. Dice seconded. The amendment passed. It was noted that in Article IV, section 1, sub f will also need to be changed as well as Article VII, Section 1, sub c. Reference was also made to Article XI, Section 4, Amendments after the colon, as well as Article XI, Section 2, Interpretation, in determining this action. The motion as amended passed by five affirmative votes, and one abstention.

NEW BUSINESS

- A. Marvin reported that Robert Duncan has been served with a lien; he owes \$235. Marvin asked for guidance on Kempner (filing 1, lot 40). They are an elderly couple living in Chicago, and can only pay \$20, and that's all they will pay. Suggestions included filing a lien to collect the back dues when it is sold, a letter be sent from Rebecca telling them they could pay installments during the year until it is paid up, otherwise face the same consequences other people have faced for non-payment. The Board agreed. Court actions have been served against Kemp and Duncan.
- B. Marvin suggests the Board get a single telephone credit card so that all the Board members' calls will be on one bill. Dice said it would ease the billing. Marvin will check to see how much it would cost the Retreat.
- C. Marvin will write a letter to the Van Butsels explaining the Larimer County survey, and ask them about moving it. Discussion brought out that the Van Butsels would probably attend the annual meeting and perhaps personal contact could be made.
- D. Renters: Rebecca's letter was explained again (see A under Old Business); it was noted that an article or paragraph be put in the Good Neighbor section of the Handbook, and that the owners be reminded that the renters are under the same Covenants as the landowners, that they have to abide by the Covenants or be taken to Court.

The meeting recessed until after the general meeting.

Graham and Maggie were re-elected. New Board members is Mary Purrington. Election

of officers was held. Graham Fowler, President, Duke Sumonia, Vice-President, Dice McKnight, Treasurer.

It was noted that personal contact was made with the Van Butsels, and the "trail took care of itself".

Marvin warned that the Board may have to deal with dissention about the assessment increase, after talking with several people after the annual meeting.

Next meeting: 9:30 a.m., Saturday, August 26, 1989 at Duke Sumonia's place.

Respectfully submitted,

Carol Fulton

Carol Fulton, Recording Secretary

TREASURER'S REPORT
 FOR JANUARY 1-JUNE 30, 1989

	Budget 1989	Expenses Through Jan. 1-July 15	Expenses June to July 15
(AC) Accounting Audit	180.00	180.00	--
(MT) Annual Meeting	250.00	20.00	20.00
(D) Donations - GHVFD	500.00	500.00	--
(EC) Environmental Control	800.00	604.65	100.00
(ER) Expense Reimbursement	275.00	118.56	--
(EQR) Equipment Repair	3,500.00	2,951.34	2,099.48
(IN) Insurance	2,200.00	1,862.00	--
(LG) Legal Services	3,500.00	2,284.54	1,540.97
(MD) Membership & Corporate Fees	115.00	180.00	160.00
(MISC) Miscellaneous	555.00	305.00	--
(OS) Office Supplies	1,500.00	669.44	249.73
(TX) Property Taxes	75.00	85.24	--
(RM) Road Maintenance	4,500.00	1,302.97	155.00
(SS) Secretarial Services	750.00	260.00	120.00
(TEL) Telephone @ Firehouse	800.00	328.15	115.46
(TS) Trout--Stocking	750.00	--	--
TOTALS	20,250.00	11,651.89	4,560.64
CHECKING ACCOUNT		MMDA	
<u>6/1</u> Beginning Balance	8,278.50	<u>6/1</u> Beginning Balance	10,286.32
<u>6/30</u> Interest	78.27	<u>6/5</u> Interest	44.61
Assessments	<u>422.00</u>	<u>7/6</u> Interest	48.67
TOTAL	8,778.77		
Expenses	4,560.64		
BALANCE	4,218.13	BALANCE	10,379.60



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING August 26, 1989

The meeting was called to order by President Graham Fowler. All members were present. Also in attendance were Dennis Bicknell, ACC Chairman, Charlotte Gee, acting Corresponding Secretary/Assistant Treasurer, Vicki and Claude Alkire, Jack and Gloria Benson, Marlin and Anita McMahan, Kathy and Ron Juneau, and Becky Tallman, landowners, and Carol Hall.

SECRETARY'S REPORT

The minutes of the July 29, 1989 Board meeting were approved.

PRESIDENT'S REMARKS

Graham welcomed the landowners who were in attendance. He explained he had a letter from our attorney regarding the \$150 assessment and Covenant #15, and also a letter from Beottcher & Company regarding the idea of having a Reserve Account. These were to be read at the appropriate time during the meeting.

He thanked the Board for its support in reelecting him president.

Graham asked for landowner comments. Ron Juneau, concerned about bushes and brush growing into the road along Black Creek, asked if he could go and cut them. It was suggested that as a good neighbor, he talk with John Carroll along whose property the offending brush is growing. It was felt that if John knew it was causing problems, he would cut it. Vikki Alkire was concerned about whether the assessment could be paid in installments, but her main concern was that only four members of the Board (2/3), out of all the landowners, could set the amount. Marlin McMahan's main concerns were about the increment in assessments and prorata. He offered to help the Board.

ROADS

Discussion involved telling Rock about the bushes on Black Creek Road, and his desire to wait for the phone company's trenching along the road before doing heavy grading. He hopes to utilize some of their work in his getting the roads in shape. For the benefit of the landowners, Graham explained that the Board had told Rock to work with the phone company and keep an eye on them, to be certain they didn't wreck the roads. Becky said Rock has gone over some bad spots already, and that he plans to get the roads all ready before fall, regardless of the phone company's action. Ron Juneau complained that the roads are not decent to drive on, citing rocks, trenches and washouts. Graham asked Becky to ask Rock to check on this problem.

TELEPHONE

Some discussion was held regarding the discrepancy in two prices quoted for the telephones. It seems there are two projects - the one begun by Jim Boyd (\$1,000 for each person on the original list of names, but \$2,000 for anyone joining that list now) and a new one started by Steve Little, which connected to the upgrading of the existing system, costs less. Mary Purrington explained that with the new PUC ruling, the phone company has to put in the phones, though it may take some time.

Duke said that if you have a phone problem, call the company. He has the number, but it was not given to those present. He also noted that it is illegal to have a recording device on a party line. He reported that a normal private line can handle four in-house phones without causing problems, but that if there are more on a party line, it takes up a lot of voltage.

Charlotte said that the phone company number along with other pertinent numbers such as dog catcher, etc., will be listed in the Newsletter.

ENVIRONMENTAL

There was no report on environmental concerns.

ACC

Dennis reported that a request by Hawthornes for a house on lot 34, Filing 3, was approved. He explained that in the first stage one level will be built, the exterior being completed within a year. After Mr. Hawthorne retires, Dennis said they will then start the second phase, probably in two years, which will be a second level to the house.

On lot 84, Filing 1, Tony Besson has requested approval to change his windows. Dennis said this will be approved.

He reported that William Bregach (lot 12, Filing 3) was upset with the letter he'd received from Dennis. Dennis had been straight-forward in telling him about the protective Covenants, and that the Board of Directors were concerned about the buildings and corral, and earth work in progress, and that he should contact any one of them regarding

ACC continued

his intentions. In a phone conversation with Mr. Bregach, Dennis said Mr. Bregach told him that all future correspondence should be addressed to his attorney, Mr. Tom Lamm, in Boulder. Dennis tried to contact Mr. Lamm, and was unable to. He suggested to the Board that he try to contact Mr. Lamm at the beginning of the week, to discuss with him, that the new owner, Mr. Bregach be shown what was approved for the prior owner, find out where his exercise corral is located, how long he intends to leave the "Cat" there, what his plans for revegetation are, and that all the Retreat is asking is that Mr. Bregach advise the Association of what he has in mind. Dennis suggested a 10-day response period. He will also ask if he (Mr. Bregach) wants his Newsletters and Assessments sent through his attorney, and that if he is unable to do that, then all the rest of the Retreat correspondence be sent from our attorney to his. Dennis noted that it is apparent a member of the Retreat talked with the woman who is living there at the moment, and perhaps overstepped the bounds of their discussion, which added to the problem. The Board agreed with Dennis' action.

It was noted that the small "storage shed" and fence were removed from lot 10, Filing 2, Beverly Walser's place. Dennis explained the background of the property.

Dennis also suggested that Rhodes (lot 74, Filing 1) receive a letter reminding them that the storage building be used for storage and not become a residence.

Discussion was held regarding the Seatons' variance request (lot 17, Filing 1). Duke, Mary and Maggie of the Board had attended the Larimer County Adjustment Board public hearing, in which this variance was discussed. After visiting the site earlier, they agreed to the need for a variance, and told the Adjustment Board so. Maggie suggested that someone from the RLA Board should always attend the meetings to show support for the ACC, and to let the Adjustment Board know our Board is interested. She said they had talked with Bill Van Horn, the engineer for the Seatons, and gave him both Graham's and Dennis' telephone numbers to contact, so the situation can be discussed before hand, and get all the objections, should there be any, settled before coming before the Board of Adjustment. All three were impressed with the experience.

Duke bought a Larimer County Comprehensive zoning book which lists all the zonings which the Adjustment Board uses in determining their action. He said that if there are zoning complaints, a formal complaint should be submitted to John Pedas, the Code-enforcement officer. Duke would like each Board member to have a copy of the book.

TREASURER'S REPORT

Dice passed out the treasurer's report of August 15, 1989. He explained the various items questioned by the Board. In talking about Road Maintenance, Jack Benson said not to call him as sheriff, if someone is violating the vehicle laws, as his superiors have said he can work only if he is on duty, and that they don't want him involved except when on duty. Becky was reminded to tell Rock that there is still \$3,000 in the Road Maintenance budget, and that it does extend through December; but also, there are complaints about the road, and to do what he sees fit.

Ron Juneau asked for an explanation of the Environmental Control. After that was explained, he was concerned about the backhoe, and asked if more money was to be spent on it. Graham explained that the Equipment Repair money was spent this year on overhauling the grader, and that the money budget for Equipment Repair in 1990 will include money for backhoe repair, which will be about \$1,500. Graham explained that it was the Board's decision to repair the grader first, as it is more important to road maintenance. When Gloria asked if new equipment could be bought, she was reminded that it would cost \$80,000 and our assessments would double.. She pursued trying to get the roads fixed, but was reminded of the cost.

Anita McMahon asked for a clarification of each category on the treasurer's report. Graham did so, with the help of Dice and Hugh.

Discussion involved the telephone at Firehouse #2; Hugh said it is essential that the Retreat have an emergency phone. Questioned about using another service, the Board explained that the best set of rules is from Mountain Bell, and that later on the Board will take another look at it.

It was moved and seconded to accept the treasurer's report. Passed. Copy attached.

OLD BUSINESS

A. Bylaw Change (\$150 Assessment Limit)

Graham read a letter from Beottcher & Co. investment bankers in Denver. This referred to an article in "Common Ground" which the RLA receives. He read that in recent years the annual assessments in Associations have shown an annual increase between 4% and 7.9%, showing the Associations are trying to keep increases even, rather than have wide spreads, and are trying to keep ahead of inflation. The number one reason for increasing assessments is to build the level of reserves, and plan for the future.

Graham explained to the guest landowners the procedures he and the Board went through to come to the conclusion they did at the last Board meeting. He compared the "four Board members" to our elected representatives in government, a small group of people who make decisions affecting the populace. He said the Board felt it was in the best interests of the Retreat to raise the assessments. Hugh said that the Board also considered it not only their responsibility, but also their duty.

Graham then read a letter from Rebecca, dated August 24, 1989. She had reviewed the

OLD BUSINESS Bylaw Change continued

the Bylaws and Covenants regarding the dues increase, and the road maintenance fees. She referred to Article #15 (prorata). She said that typically this is handled on a "per-lot basis", but that the Association may apportion the maintenance charges in any reasonable manner. She suggested that if the RIA changes the current proration method, that a letter be sent to the landowners advising them of the change, and the reason necessitating the change. She noted the conflict in the Bylaws regarding the need for membership approval for a dues increase; generally the Court will enforce the provision that is more specific concerning a particular topic rather than a general paragraph. The Bylaws pertaining to 51% majority is more specific than the other. Rebecca recommends approval for the change where the dues would be increased above the set amount, and that the Board need not wait for the annual meeting, but instead, call a special membership meeting, to allow the retroactive raising of the dues. She also recommends the change to allow a per-lot assessment. She said that though some Associations do not charge for adjoining undeveloped lots, it is unfair to the single-lot owners to allow single individuals to hold numerous lots for investments, and not pay their fair share of the expenses.

Hugh had talked with an attorney discussing prorata, and understood that because there are eight different definitions to the word, it is not a legal word, and therefore not allowed in Court. He looked at several options: #1) divide the number of lots and have that number of assessments, #2) should a person who owns four lots for a total of 19 acres have to pay four times as much as a person who owns one lot of 25 acres? #3) look at street frontage - some large lots have only 51 foot frontage, while some smaller lots have as much as 400 foot of frontage. Hugh feels the most logical way to interpret prorata, was that those people who use the roads pay for them. He feels it should be one lot/one vote.

Marlin McMahon, speaking for the other landowners present, and realizing the need for money, said they'd look at the idea of one vote per membership, but have a more equitable way to charge multi-lot owners. A suggestion was to take the road maintenance out of the assessment, then there would be a road fee per lot.

A great deal of discussion and argument ensued, during which the history of the Retreat's development was brought out, the Covenants and Bylaws were discussed, whether the Covenants and Road Maintenance could be separated, that 57% of the RIA owners live in Colorado, the idea that if we lower the assessments and take out a separate road maintenance assessment based on a per-lot owned system, we'd probably be sued, the agreement with Bulwark Ridge Association, the total number of lots (261) and owners (210), the idea of assessments to be at \$100 per membership, but with an added amount for each additional owned lots, the amount being what Bulwark pays for the use of the roads, the reason the developer had FO Forest was to sell land fast, the history of the group on Dunraven Glade Road who wanted to withdraw (Small Claims Court said they are members of the Association), assessing a certain amount for road maintenance for each additional lot owned, which would be another 51 lots, major issues decided by the membership rather than the Board - six people of the 210, and membership changing the Bylaws.

After more discussion, Hugh moved and Dice seconded to rescind the action taken at the last Board meeting. the motion passed.

B. Assessments and Liens

Charlotte reported that all assessments have been paid except four, on which liens have been filed. One member still had five dollars to pay, but was paid in full this week. Payments in installments are acceptable.

C. Tax

Duke will share his tax bill with the others. He has combined his two lots only for tax purposes, so he doesn't have to pay so much.

D. Covenant #15

After discussion it was decided to call a special Board meeting with Rebecca for the express purpose of discussing Covenant #15 Bylaw changes and options. Graham will contact Rebecca to set up a time, and will notify the Board.

E. Annual Meeting

Charlotte reported on the expenditures of the annual meeting, gave committee comments and considerations. Some ideas for 1990 included appointing the committee before June, overlapping of committee members, more men to be included in planning, Newsletter announcement a must, and to continue programs which help develop the community feeling.

F. Tallman Variance

Becky reported that Rock has a new place for his woodcutting Business, and will soon have it all moved. It was moved, seconded and passed to again table action until the next regular Board meeting.

NEW BUSINESS

A. Budget Process

For Maggie and Mary's benefit, Graham explained the process. Dice will prepare a worksheet, and send it out to the Board. Maggie asked if a meeting is held with Rebecca, would the limit change. It was suggested that for this year, it would probably remain at \$100. Mary would like more input from the landowners, and remarked that the membership has always stuck by the Boards' decisions no matter how bitter the pill.

NEW BUSINESS, Continued

B. Dogs

Hugh reported seeing a pack of 12 dogs which formed on Dunraven, and which appeared to be chasing game. He could identify all but one. He would like more law enforcement in the area. Jack Benson said the sheriff's department always turns the problem over to DOW. Graham told Hugh to demand that she (DOW) take action, and if she doesn't do it, to go to her superiors. Maggie offered to contact the various people for Hugh as he is working 70 hours a week. After more discussion it was moved and seconded that a letter to the Animal Control officers with copies to the dog owners, with dates, times and other specifics be drafted. The motion passed. Hugh will draft the letter.

C. Corresponding Secretary/ Assistant Treasurer

Char Gee reported that the photocopy machine is out of order. It would cost \$200 to \$300 to repair it as it is obsolete. At the next regular Board meeting, they will have researched the price of a new one with maintenance agreement, or a leased one with maintenance agreement, and will give a report.

Dick Statham, who owns Translator TV, Inc., would like to put a translator on Triangle Mountain for the Retreat. He has Mr. Maitland's permission, and is asking for approval from the RLA Board, saying it would be in the best interests of the Retreat Landowners. It would cost about \$100 a year for subscribers. Hugh feels that based on the reputation of this man, he would say no. Becky Tallman said her parents have property in Pinewood Springs, and since Dick ~~has~~^{has} put his translator in, their reception has been worse than ever. After more discussion, it was decided that Mr. Statham should send a written proposal to the Board explaining his plans, i.e. where he'd put the tower, how it would look, would it benefit the Retreat. Faceciously, it was suggested that he have twelve letters of endorsement.

D. Landowner Comments

Marlin asked that the Board consider the idea of proxies vs. absentee ballots. He reiterated his earlier ideas, and encouraged Dice to delineate the various categories of his treasurer's annual report for the benefit of the membership. He asked that the membership be more of a part of the Board's big decisions. Gloria wants to have 2/3 of the membership change the Bylaws, rather than 2/3 of the Board. Char said that once we vote for representatives or senators we don't take their ~~power~~^{power} away, and feels that this is what this group of landowners is suggesting.

Duke moved that Graham call an executive meeting. It was seconded. Passed, three in favor, two abstentions.

Before leaving, Marlin spoke ~~of~~^{for} the other landowners and thanked the Board for their hospitality and willingness to listen to their concerns.

Duke was concerned that with Howarth's second house, they are in violation of the zoning restrictions. After a lot of discussion, it was decided that Graham talk to Dennis about the problem.

Maggie said it's obvious that Dennis "wants out" and that the Board should actively look for someone who would be ACC Chairman. Laurene Nicholl, Marlin McMahaon, Jean Richards were names that were suggested.

A special meeting will be called by Graham after consulting with Rebecca, on a weekday evening at Gees' house. Graham will notify the Board as to the date. Char will act as Recording Secretary, pro-tem.

The next regular Board meeting will be at 9:30 a.m. at Maggie's, October 14, 1989.

Respectfully submitted,


Carol Fulton, Recording Secretary

TREASURER'S REPORT
FOR AUGUST 15, 1989

	Budget 1989	Expenses Through Jan. 1 - Aug 15	Expenses 7/15-8/15
(AC) Accounting Audit	180.00	180.00	--
(MT) Annual Meeting	250.00	301.51	281.51
(D) Donations - GHVFD	500.00	500.00	--
(EC) Environmental Control	800.00	811.96	207.31
(ER) Expense Reimbursement	275.00	190.44	71.88
(EQR) Equipment Repair	3,500.00	3,234.67	283.33
(IN) Insurance	2,200.00	1,862.00	--
(LG) Legal Services	3,500.00	2,547.11	262.57
(MD) Membership & Corporate Fees	115.00	180.00	--
(MISC) Miscellaneous	555.00	330.00	25.00
(OS) Office Supplies	1,500.00	852.52	183.08
(TX) Property Taxes	75.00	85.24	--
(RM) Road Maintenance	4,500.00	1,302.97	--
(SS) Secretarial Services	750.00	400.00	140.00
(TEL) Telephone @ Firehouse	800.00	463.79	135.64
(TS) Trout--Stocking	750.00	750.00	750.00
TOTALS	20,250.00	13,992.21	2,340.32

CHECKING ACCOUNT		MMDA	
<u>7-15</u> Beginning Balance	4,218.13	<u>7-15</u> Beginning Balance	10,379.60
<u>7-31</u> Interest	21.02	<u>8-3</u> Interest	41.63
Assessments	<u>644.99</u>		
TOTAL	4,884.14		
Expenses	2,340.32		
8-15 BALANCE	2,543.82	8-15 BALANCE	10,421.23



RETREAT LANDOWNERS ASSOCIATION, INC.

PRESIDENT'S REPORT

It was nice to see so many of you at the annual meeting. Enclosed are the minutes from the meeting. I enjoyed visiting with many of you and listening to your comments. Believe me, your comments do not fall on deaf ears.

As a result of a review of two issues by our attorney, (1) the raising of the \$100 assessment limit to \$150 and (2) the question of what "prorata" in covenant #15 means, the board has taken several steps.

First, the board voted to rescind the motion passed at the July 29th board meeting lifting the assessment limit to \$150. The limit will remain at \$100 until a vote at the next annual meeting. The board, when it sets it's budget for next year will just have to stay under the limit. This may not allow any money to be set aside in the reserve fund but the budget work is only just getting started.

Second, our attorney has suggested that covenant 15 means that road maintenance should be assessed separately and that it should be paid on a per lot basis and not per membership. Currently if you own one lot or ten lots you only pay one assessment. As more of us buy additional lots our revenue drops. Our attorney has suggested that we look at assessing each lot rather than per membership as we do now.

We are going to have a special board meeting with our attorney to look at all these issues. No changes will be made until after next years annual meeting.

We are always willing to listen to your suggestions and comments and welcome them at any time. We do try to be professional and do the best we can with our limited budget. We appreciate your support and look forward to working with you this coming year.

Respectfully submitted,

Graham J. Fowler
President, R. L. A.

September 1989



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING
October 14, 1989

The meeting was called to order by President Graham Fowler. All members were present. Also in attendance were Rock Tallman, Road Chairman, Jim Persichetti, Environmental Chairman, Char Gee, Acting Corresponding Secretary/Assistant Treasurer, and land owners Joan Persichetti, Ed and Jean Richards, Cathy and Wallace Hubert, Vikki Alkire, Jack Benson and Ron Juneau, and Linda Scheivly.

SECRETARY'S REPORT

The minutes of the August 26, 1989 Board meeting were approved.

PRESIDENT'S REMARKS

Graham said Dennis' mother had died, and he will not be attending the meeting. A sympathy card will be sent.

Graham reported that the phone company appears to have done little damage to the roads.

He reported that the paper work concerning a matter discussed in executive session September 14, 1989, has been sent to Rebecca for review. Action will be taken when her advice has been received.

ROADS

Rock reported that arrangements have been made to have road base brought in. It is "three-quarters-minus" road base. The cost is \$170 a truck load, @ 16 tons, which make it close to 10 yards a truckload. It was decided that the budget would allow ten loads of road base. Rock explained that some would go above Stolz's place, some near Graham's place to Miller Fork Road, and some on lower Streamside Drive. He said road base is not ideal for muddy areas, and suggested gravel.

Graham asked Rock to break down the hours he spends on snow removal.

Rock said that the phones are in but not connected, and that November 21st is the latest deadline.

Ron Juneau said he trimmed the bushes on Black Creek Road.

ENVIRONMENTAL

Jim Persichetti reported that the Forest Service has completed the egg mass count; there is no problem with budworm, no aerial spraying is necessary as the foreseeable larvae count is not significant. He said that if pockets are apparent in April/May 1990, they may have to do some spraying with a truck. He asked that \$200 be set aside in case it's needed.

Jim reported that no beetle-killed trees have been cut since the annual meeting. He noted that they had gone over budget \$143.

Jim cautioned that we must all be aware of hunters and their open fires and cigarettes, since everything is so dry in the forests.

ACC

There was no ACC report.

TREASURER'S REPORT

Dice passed out copies of the treasurer's report, pointing out that some items are over budget, but other items are under. It was moved, seconded and passed to accept the treasurer's report. Copy attached.

OLD BUSINESS

A. Bylaw Change/Covenant #15

Maggie pointed out that the Board had not taken action at the September 14, 1989 meeting with Rebecca. Graham reported on a phone call received from a landowner, asking the Board not to separate and differentiate each landowner's fee for road maintenance, that it would divide the Association. A call to Dice concerned the increase for a second lot to be a partial assessment. Jim Persichetti went into detail of the history and precedence over the last eighteen years, that Covenant #15 says owners not lots. He said that several Bylaws are connected directly to the Covenant, noting Bylaw 6-B especially. He stressed the binding legal agreement between the Retreat Association and each landowner; that the Covenants and Bylaws are part of the rules they must abide by. More points brought out by other landowners included the concern that the balance of the Retreat would be upset by deviation from the equal assessment/equal opportunities; the group that tried to withdraw from the Association were defeated in Court; that owners of multiple lots did so for creating more open spaces, offence being taken at Rebecca's suggestion they were for speculation; past Boards have told members buying second lots

Old Business, Bylaw Change/ Covenant #15, Continued

that they would not be assessed for the extra lot; any other method of assessing than we now have, would fragment the community spirit and adversely segregate landowners; that a Pandora's Box would be opened should the lots on Dunraven Glade not have to be assessed for road maintenance, which is what would happen with the idea of assessing for road maintenance per lot; that this has been brought up before; extra sources of income are needed; that services may have to be cut back if there is no money; that it isn't the properties that are using the services, it is the owner who is using the services.

A suggestion was made that a notice be put in the Newsletter that there will be no snow removal until there is six inches or more, and that it won't start until the snow has stopped, for the safety of the operator. If there is a complaint, let the complainant come up with a solution. The Newsletter should explain to the membership that if you want the mountain ambience, you cannot expect city services; that financial resources being stretched to the limit, can provide "this much" in road maintenance, etc.- for this amount of money, and that if more is requested the assessment would have to be increased.

After more discussion, Graham said that the Board had agreed to get a second opinion from a totally outside group, on a significant decision, such as the Board is struggling over.

Further discussion: Everytime a landowner purchases another lot, the revenue goes down; The Retreat is not a typical sub division as Rebecca thinks; a threat of a legal suit against the Board for assessing every lot; a legal suit against the Board for leaving the assessment collection the way it is, increasing the amount; the Board should settle on a cost of extra assessments, should it come to a vote of the membership; the \$100 transfer fee from sale of lots should be definitely collected.

More discussion finally resulted in the Board appointing an Assessment Committee to study the problem, independent of the Board. It was suggested the committee publish their findings, offer several solutions and options to be voted on at the annual meeting. Jim Persichetti will act as Chairman; others on the committee are the Richards (one vote only) Cathy Hubert, Jack Benson, Vikki Alkire, the McManns (one vote only), Tom Bennett and Graham Fowler as ex-officio. The Board approved.

B. Goodkin

Hugh will get bids to get the corral removed, as the Board has a Court order to get it done. Graham will see that Hugh gets the particulars.

It was noted that someone is living in Debbie West's house.

NEW BUSINESS

A. Budget

Dice passed out a Budget worksheet for 1990, which compared budget and expenditures from 1987, 1988 and 1989. Dice had worked out a tentative budget, on the basis of \$100 assessments. After discussion and explanations, it was moved, seconded and passed to accept the budget as finalized. One negative vote. Copy attached.

B. Copy Machine

Char Gee explained the research she and Marvin had done in pursuing the purchase of a new copy machine. Two copy machines, one costing \$399, which prints 1500 copies before changing the cartridge (costing between \$50 - \$100), the other machine costing \$829, which prints 3000 copies before cartridge change, were investigated. There is no trade-in on the old machine. She said if the more expensive machine is purchased, they would use one and a quarter cartridge to print the Newsletter. In computing the savings over a three-year period, the Retreat would be saving \$8.50 a year. The Gees are now having the Newsletter and other publications printed in Estes Park. The Gees recommend that they continue as they are now. The Board concurred.

C. Newsletter

Suggestions for the Newsletter include an explanation of where the percentage and dollars of each member's assessment, showing the highest percentage at the top of a chart (such as legal expenses) down through the smallest percentage. This is to let the membership know that, i.e. \$60 of your \$100 goes to legal fees, \$16 goes to road maintenance, etc. Mary said that the key to a positive move at the annual meeting is excellent communication, clearly put, throughout this year. Deadline for the Newsletter is November 15. Material should be sent to the Gees. Assessments will be sent first class mail.

D. Fast Drivers

Concern was shown over one young woman who drives exceedingly fast on the Retreat Roads, causing near-accidents. It was suggested that when she is seen, to get the license number and call the police. Since a couple of people know who this person is, it was suggested that they go and talk to her, first.

Next meeting is Saturday, December 2, at 9:30 a.m. at Hugh Beckhams' place.

It was moved, seconded and passed to adjourn.

Respectfully submitted,

Carol Fulton
Carol Fulton, Recording Secretary

In informal discussion after the meeting, the Board talked over the problem of the landowners present interrupting and acting as Board members, recording the meeting, taking up much of the time from Board business. Solutions included having a place in the agenda for landowners' comments, limiting those comments to five minutes; the Board sit around a table, with the landowners away from the table; having meetings "in the valley", and those Board members present asked the Gees, in their job as business managers, to act as facilitators to keep the meetings "on task".

TREASURER'S REPORT
FOR OCTOBER 14, 1989

	Budget 1989	Expenses Through 10/15/89	Expenses 8/15 to 10/15/89
(AC) Accounting Audit	180.00	180.00	
(MT) Annual Meeting	250.00	301.51	
(D) Donations - GHVFD	500.00	500.00	
(EC) Environmental Control	800.00	943.96	132.00
(ER) Expense Reimbursement	275.00	190.44	--
(EQR) Equipment Repair	3,500.00	3,245.02	10.35
(IN) Insurance	2,200.00	1,862.00	--
(LG) Legal Services	3,500.00	3,580.00	1,032.89
(MD) Membership & Corporate Fees	115.00	180.00	--
(MISC) Miscellaneous	555.00	336.00	6.00
(OS) Office Supplies	1,500.00	995.13	142.61
(TX) Property Taxes	75.00	85.24	--
(RM) Road Maintenance	4,500.00	1,612.97	310.00
(SS) Secretarial Services	750.00	420.00	20.00
(TEL) Telephone @ Firehouse	800.00	575.81	112.02
(TS) Trout--Stocking	750.00	750.00	--
TOTALS	20,250.00	15,758.08	1,765.87
CHECKING ACCOUNT		MMDA	
<u>8/15</u> Beginning Balance	2,543.82	<u> </u> Beginning Balance	10,421.23
<u>9/29</u> Interest	21.43	<u>9/6</u> Interest	50.60
Assessments	<u>847.71</u>	<u>10/4</u> Interest	42.04
TOTAL	3,412.96		
Expenses	1,765.87		
BALANCE	1,647.09	BALANCE	10,513.87

RETREAT LANDOWNERS ASSOCIATION, INC.

SPECIAL BOARD MEETING WITH ATTORNEY, Rebecca Elliott

SEPTEMBER 14, 1989

The board meeting was called to order by board president, Graham Fowler. Those present were: all members of the board, Rebecca Elliott, Jack Benson, and Anita and Marlan McMahan.

Graham stated that the purpose of the meeting was to clarify the issues of covenant 15 and per lot assessments.

Concerning assessments Rebecca made the following points:

1. Typically associations charge one fee per lot with one vote per lot. The by-laws would not need to be changed to allow this interpretation.
2. According to the covenants there are three possible charges:
 - a. Road maintenance
 - b. Assessment
 - c. Assessment for water and sewer
3. Any changes in assessment should be made at a meeting of the members. She suggested that the board study the issues, arrive at a decision, and present a strong recommendation to the membership.

Pro rata can be done on a per lot or square footage as long as it is reasonable. What is fair in terms of pro rata is a decision for the board to make.

No action was taken by the board. Meeting adjourned.

At an executive session following the meeting Howarth's "potting shed" was discussed. Rebecca will review the correspondence and advise the board.

Respectfully submitted,

Maggie McDonald



RETREAT LANDOWNERS ASSOCIATION, INC.

THE BOARD OF DIRECTORS MEETING December 2, 1989

The Meeting was called to order by President Graham Fowler. All members were in attendance. Also present were landowners Jim Raines, Jim Boyd, Ron Juneau, Jack Benson, and Char and Marvin Gee, Corresponding Secretary/ Assistant Treasurer.

SECRETARY'S REPORT

The minutes of the October 14, 1989 Board meeting were approved.

PRESIDENT'S REMARKS

Graham thanked the Board for their hard work, and commended Rock for his work in getting the roads in shape. He wished the Board a Merry Christmas and Happy Holidays.

Graham then explained the new format for the Board meetings, and that landowners are certainly welcome, but in order to get the Board business accomplished, would have a certain period in which to make comments. He encouraged landowners to call Board members if they had concerns to be brought up at the meetings.

Graham read a letter from Rebecca, dated October 31, which explained why she was not taking action against Mr. Matlock, and how the Board should proceed with subsequent Covenant violations. He read another memo from Rebecca dated October 30, regarding assessments, in which she pointed out that her interpretation of documents or information is a legal analysis, and does not involve analysis of morality or equity of a situation. She cautioned the Board to be careful of statements, when outside members are recording the meetings, and noted that landowners should respect the guidelines that the Board establishes. She commended the Board for grappling with the difficult issues under consideration.

In discussing whether landowners could have concerns put into the agenda, Marvin will publish the Board meeting schedule in the Newsletter, and inform the landowners that they can bring comments, ideas and concerns to the Board to be considered for the agenda. Also in the newsletter will be a break-down of the budget items by priority, showing the membership what percentage of their assessments go to the various items.

LANDOWNER COMMENTS

Jim Raines feels that Rock is doing a fantastic job, but that the Board is asking Rock to do "an awful lot", citing his working on the grader during the February storm. Jim, as a mechanic, suggested that the Board look seriously into a maintenance building, as he feels all equipment should be kept out of the weather, and that it would be easier for Rock. He is willing to add extra money for the building. Discussion involved the acquiring of land for the building, money, a pole building first, special assessment, the GHAVFD idea of a building back near Rock's place, the RIA buying the lot next to the Tallmans, as it is for sale.

Jim Boyd concerned about the amount of snow falling before the roads are plowed, feels that emergency equipment should be able to get through. The policy is that the snow must be six inches, and plowing will begin after the snow stops. This policy will be published in the Newsletter. Graham explained that during the Halloween snow, Rock had left the snow for the moisture, so the road base would "take" better.

Another concern that Jim had was to have a committee to work on the legal problems. The procedures for working up to having legal counsel were explained, and that when any property with a lien is sold, the Board gets the money in the transaction.

Ron Juneau complained about the mess the phone company had left. Apparently it is a different contractor that made the problem, than the one who has done the work around Tallmans and Boyds. Jim Boyd will talk to the phone company to find out what happened and will get back to the Board. Graham and Mary will also look at the area. Ron feels the contractor should do any repair work to the road.

Char Gee explained about a report Andreas Houser wrote regarding the annual meeting. She would like to put it in the Newsletter. Duke suggested a copy be sent to CAI. The Board concurred.

ROADS

Jim Boyd reported for Rock, who couldn't attend the meeting. Noting that there was some interest in making the snow removal a separate budget item, Rock suggests \$1500 to \$2000, which would include his wages and minimal maintenance on the grader. Rock's other concerns were Streamside Drive, Fisherman's Lane and Copperhill Road, where the aforementioned phone company contractor had worked. Graham asked Jim to take pictures of the problem areas in case the Board needs to go to court to get the contractors to rectify the situation. Jim said Becky Tallman has the name of the contractor, and he will get it from her.

Another concern expressed by Rock is that he wants to be sure he has control over

Roads, continued

who runs the grader. It was explained that those who offer to help run the machines should see Rock - that he is the one to accept or reject their help. Jim said the new road base is down and that Rock is pleased with the results.

ENVIRONMENTAL

Jim Persichetti had called Graham, and explained that they will start marking and cutting trees in February.

Duke passed a booklet on mistletoe to the Board for perusal.

ACC

Dennis, unable to attend the meeting, sent his report to Graham. Rebecca answered questions the Board had asked: Larimer County zoning regulations do not restrict the number of buildings on a lot, however all buildings must comply with road and property line set-backs. Retreat Covenant and By-laws do not restrict the number of buildings except the buildings must be approved by the ACC. The Covenants refer to the main structure, and any other buildings would be categorized as sheds or outbuildings. Regarding single family number of buildings, there are no restrictions except the set-back requirements and approval of the ACC. County zoning laws prohibit guest houses except by special review. The Protective Covenants prohibit the occupancy of a structure as a guest house. She quoted "Temporary Residence, section 5". Zoning regulations do not restrict what is contained within the building, so long as it is not used for human occupancy. The Covenants and By-laws require approval of any building and restrict the use as previously described.

The area under concern is Lot 25, Filing 1. Rebecca's legal opinion: "The documentation you have mailed to me indicates you (ACC) are aware that the initial building would later be used as a seasonal guest house, shop and storage. It would have been appropriate to call the problem to their attention at that time. However, the construction was in accordance with the Covenants." Rebecca believes the committee made a mistake in granting approval for both buildings, and if the construction of the second building had not commenced, that the Board amend its approval of the second building to comply with existing zoning regulations, and Covenants and By-laws, that the building can be used for shop and storage, but not as a guest house. She recommends that the Association be responsive to any special problems that may have been created by prior approval, and work with the members to alleviate those problems. She suggests prompt action on the matter and would like to be kept informed of the developments. She suggests an amendment to the By-laws and Covenants if the RLA desires to limit the use of property in the future.

A double garage was requested for this property on October 30, 1989. After discussion, it was decided that Graham would check with Dennis as to whether the garage was approved. More discussion brought out that the use of the building is important, and that the Board, Dennis and the Howarths get together to discuss the problem.

Other requests to the ACC: Driveway construction, Royce Edwards (Filing 4, lot 29); Garage, Marvin Gee (Filing 2, Lot 49); Pond request in a marshy area, Berhens (Filing 3, Lot 7).

Maggie reminded the Board to actively pursue a new ACC chairman, and that the Board should approve whomever is chosen.

Graham put the DOW Alert signs at each entrance of the Retreat.

TREASURER'S REPORT

Dice passed out, and explained the report which went through November 15. There is approximately \$1400 for the rest of the year. Discussion involved insurance premiums. Marvin will check into competent insurance companies to see if there is a way to lower the premiums. Graham complimented Dice on his presentations. It was noted that an audit must be done. An outside audit company will do it. It was moved, seconded and passed to accept the treasurer's report. Copy attached.

ASSESSMENTS

The first meeting of the Assessment Committee will be January 13, 1990 at 10:00 am at the Persichetti cabin.

OLD BUSINESS

A. Snow Removal Plan

Hugh has invested in a snowplow and wants the Board to be aware that there is one for emergencies. Discussion involved the depth of snow before plowing, that the Road Maintenance Committee include Jim Boyd, and that this committee make the decisions such as when to plow, and to handle things such as if dirt could and should be moved from one area in the Retreat to another. The Board felt Rock has done a good job as Chairman.

B. Agenda Forms

It was suggested that enough agenda copies be made so that landowners who attend the Board meetings would receive one as they came in. This would give them the idea of what their "position" is.

Old Business Continued

C. Howarth

More discussion involved the problem brought up under the ACC section, and that a few members, rather than the entire Board, meet with Howarths and Dennis. Graham will get the full facts from Dennis and Rebecca and ask what she suggests. Possible solution to the problem is to ask the Howarths not to put a kitchen in their stone building.

D. Goodkin

Hugh hasn't been informed on how much of the corral should be removed, so has taken no action. Graham will get the information to him.

NEW BUSINESS

A. Meetings for 1990

January 27, March 31, May 19, July 28 (annual meeting date), August 25, October 27 and December 1.

B. Goals for 1990 and Beyond

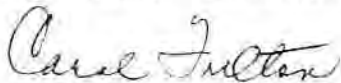
1. Develop plans for equipment buildings, and have a preliminary draft for the annual meeting.
2. Assessment issue be resolved. The Board asks the committee to send a preliminary draft to the Board by March 1, and a final proposal be sent to the Board by May 1, so it can be discussed at the May 19th Board Meeting. Mary stressed the importance of putting together a good communication package, so the membership will understand and agree to the Board's action.
3. Begin the process of By-law revision.
4. Have a seven-member Board - six members with President voting only to break a tie.
5. Find a new ACC chairman.
6. Remove Covenant enforcement committee from ACC.
7. Reduce legal expenses.
8. Develop job description for Board members.
9. The Board grow professionally as a Board - try to build on weaknesses and improve strengths, by attending CAI seminars, and teamwork between the Board and community.
10. Have more copies of the Handbook and/or have a new Handbook.

C. Corresponding Secretary/Assistant Treasurer

1. Marvin asked the Board to guide him for perimeters on handling late assessments, and suggested that those whose assessments are a financial burden must pay 50% by March 1, and must submit a written request to the Board for the second half which would be paid by June 1 - that all assessments should be paid by June 1 under any circumstances. The consensus of the Board is that Marvin bring the delinquent problems to the Board on an individual basis for action.
2. More car identification stickers are needed. Marvin will see that they are printed. He will get the artwork from Duke.
3. Marvin has only a few Handbooks left.

Next Board Meeting - January 27, 1990 at 9:30 a.m. at Gee's house.

Respectfully submitted



Carol Fulton, Recording Secretary

TREASURER'S REPORT
FOR DECEMBER 2, 1989

	Budget 1989	Expenses Through 11/15/89	Expenses 10/14/89 to 11/15/89
(AC) Accounting Audit	180.00	180.00	--
(MT) Annual Meeting	250.00	301.51	--
(D) Donations - GHVFD	500.00	500.00	--
(EC) Environmental Control	800.00	943.96	--
(ER) Expense Reimbursement	275.00	224.04	33.60
(EQR) Equipment Repair	3,500.00	3,245.02	--
(IN) Insurance	2,200.00	2,324.00	462.00
(LG) Legal Services	3,500.00	3,679.27	99.27
(MD) Membership & Corporate Fees	115.00	180.00	--
(MISC) Miscellaneous	555.00	336.00	--
(OS) Office Supplies	1,500.00	1,020.13	25.00
(TX) Property Taxes	75.00	85.24	--
(RM) Road Maintenance	4,500.00	1,882.97	270.00
(SS) Secretarial Services	750.00	540.00	120.00
(TEL) Telephone @ Firehouse	800.00	583.61	7.80
(TS) Trout--Stocking	750.00	750.00	
TOTALS	20,250.00	16,775.75	1,017.67

CHECKING ACCOUNT		MMDA	
<u>10/14</u> Beginning Balance	1,647.09	<u>10/14</u> Beginning Balance	10,513.87
<u>10/31</u> Interest	6.84	<u>11/03</u> Interest	<u>47.68</u>
Assessments	36.00	TOTAL	10,561.55
From MMDA	<u>3,500.00</u>	<u>11/09</u> Trans.to Checking	3,500.00
TOTAL	5,189.93		
Expenses	1,017.67		
BALANCE	4,172.26	BALANCE	7,061.55