

**RETREAT LANDOWNERS ASSOCIATION, INC.**  
**Annual Meeting**  
**July 29, 2000**  
**Big Thompson Community Building**

The 29<sup>th</sup> Annual meeting of the Retreat Landowners Association, Inc. was called to order by President Marcille Trahan at 1:39 p.m.

Attorney at Law Edward Guidicci, Parliamentarian Esther Russell, and Meeting Recording Secretary Joan Van Horn were introduced as were Board Members John Barlow, Marv Gee, Steve Little, Joanne Gilbaugh, Dale Alps and Gene Pfeif. The Standing Rules were reviewed and accepted.

Minutes of the meeting held July 31, 1999, which were approved by the Board of Directors at its September 1999 meeting and published in the September 1999 newsletter, remain approved with no changes or corrections.

Jan Ricker, Corresponding Secretary, verified that a quorum was present. 57 were attending and 51 proxies were distributed.

**REPORTS:**

President: President Marcy Trahan reported on the past year's events which included the potluck dinner with the informative program presented by the Colorado State Forest Service, an update on the Carpenter land acquisition, an interpretation of the covenants, increased stress on the roads due to more use and the existing dry condition of the vegetation due to lack of moisture. The Glen Haven Area Volunteer Fire Department received a round of applause for its effort in retaining the Bobcat Gulch area fire.

Marcy then presented certificates of appreciation to the Glen Haven Area Volunteer Fire Department and to committee chairpersons. She encouraged members of the Association to be active in its management by going to Board meetings or by calling Board members with their ideas and concerns as it is everyone's desire to have the Retreat be a desirable community in which to live.

Treasurer: Bill Widmaier presented the December 31, 1999 Statement of Cash Receipts and Disbursements compiled by Odstrcil & Meis, CPAs, P.C. and the current year's financial report. A summary of the balance sheet as of June 30, 2000 is as follows:

Assets	113,573.13
Liabilities	0
Net Assets	113,573.13
Total Cash receipts	47,998.31
Total Cash disbursements	20,165.21
Cash balance January 1, 2000	85,279.03
Cash balance June 30, 2000	113,112.13

The Treasurer's report was received and placed on file.

Assistant Treasurer: Ken Cooper reported on fourteen new transfers of ownership making the total membership, including the 6 additional Bulwark properties, at 221.

Architectural Control: Dennis Bicknell presented a written report and stated that the general attitude has been very cooperative. Maps of property owners and location will be available in August and may be obtained by contacting Dennis.

Environmental Control: Graham Fowler discussed tree trimming, the opportunity available for landowners to have their property surveyed for vegetative care and fire protection, and recommended behavior regarding bears for which the U.S. Forest Service has ample information.

Roads: Steve Little stated that road base will probably be added this fall. They are working on the water truck received from the Glen Haven Area Volunteer Fire Department and hope to be able to spray the material after it is distributed on the roads. Paul Howarth will plow the roads this winter. There has been some consideration of the RLA purchasing its own equipment for plowing in the future. Another mirror has been placed at the end of Streamside Drive. Once again, it was recommended that everyone drive slowly as high speeds damage gravel roads and enhance washboards.

Welcoming: Frances Cunningham hosted a welcome party at her house July 28<sup>th</sup> for the new property owners. Pam Nuttall, newly appointed chairperson, asked for volunteers to host a party for newcomers this next year. Please contact her if you can help.

Glen Haven Area Volunteer Fire Department: Dick Boggs, RLA representative on the Fire Board, requested more volunteers to serve on the Board. He reported that the fundraising pancake breakfast netted \$3,000+ thanks to the Egg & I for its food donation. 40% of the Retreat has had its ISO decreased from 9 to 7. Efforts will continue to extend the lower classification to a greater area and to strive to reduce it even further. The water tank's capacity has been increased from 1,000 gallons to 2,000 gallons and the fire department now has two trucks with compressed air foam capability. The fire board will meet in October and devise a new 3-year plan.

Tom Housewright named the list of volunteers serving on the Glen Haven Area Volunteer Fire Department and stated that this past year there were 38 calls with the average response time (from call to arrival on scene) of less than 5 minutes. Already 19 calls have been attended to in the year 2000. Some areas in Glen Haven and the Retreat are close to an ISO rating of 6 (within ½%) which is the rating for Estes Park. Efforts are being made to meet the requirement of supplying 30,000 gallons in a 2-hour time frame. Tom reminded members that to report a fire, call 911 or 586-4000. The Glen Haven Area Volunteer Fire Department is dispatched from Estes Park, not Larimer County.

Bulwark Ridge: Marcy Trahan reported that the Maitland heirs are working on an arrangement with the U.S. Forest Service to exchange the approximately 148 acres for land near Crosier Mountain. This arrangement may require an exemption from the Bulwark Ridge and Retreat Landowners Association covenants. Attorney Guidicci is pursuing it.

Carpenter Property: John Barlow and Dennis Bicknell reported that negotiations have continued this last year with the Carpenters. An offer to buy was submitted to the Carpenters but not accepted but negotiation is still open. Joanne Persichetti moved that all monies previously collected from property owners for the purchase of the Carpenter property be returned to those property owners. It was seconded by Guy McCoy. A clarification was requested as to whether the current owners would be

reimbursed or the actual landowners who contributed and Joanne Persichetti confirmed that it would be the current landowners.

Dennis Bicknell reminded the membership that last year it approved a motion and that any motions counter to it are out of order. The motion passed last year was: Whereas, the RLA Board of Directors is engaged in ongoing conversation with the current owners of the 37.45-acre former U.S. Forest Service parcel in The Retreat, as well as adjacent property owners, therefore, be it moved that the Open Space Fund of \$36,000 [money from the special assessment collected in 1995, 1996 and 1997 to acquire the Forest Service land within The Retreat] remain at interest until efforts to acquire all or part of the 37.45-acre parcel have been expended. John Barlow explained that several options are still open but will not be if the assessment is refunded. It was pointed out that a motion to rescind last year's approved motion would have to be proposed. None was proposed and, therefore, last year's approved motion remains in effect and the motion made by Joanne Persichetti and seconded by Guy McCoy is null and void.

Water: Marv Gee reported that the two shares of the Handy Ditch Co. water that was to be used for the water augmentation requirements for Filings 3, 4, and 5 may not be transferred as previously expected. Water counsel has been retained to remedy this situation.

Nominating Committee: The Nominating Committee submitted the following nominations for the Board of Directors of the RLA: Dale Alps, John Barlow, Steve Little, Guy McCoy. Each candidate spoke briefly. There being no nominations from the floor, the nominations were declared closed. Ballots were distributed to those in attendance and collected. The ballots were then distributed for proxy voting and collected.

Intermission: There was a brief intermission to allow ballot tabulation.

Election Results: Dale Alps, Steve Little and John Barlow were elected to the Board.

## **NEW BUSINESS**

Motions Submitted by RLA Board: The following amendment to Article XII. Assessments was proposed with the bracketed sentence to be deleted:

### Article XII. Assessments

Each member is obligated to pay annual assessments to the Association of an amount set yearly by the Board of Directors, but not in excess of \$250.00 . [This maximum annual assessment of \$250.00 shall revert to a maximum of \$150.00 beginning January 1, 1998.] (Remainder of Article XII is unchanged.)

It was moved, seconded and carried by a 2/3 majority vote (Attending: 41 yes, 12 no; Proxies: 39 yes, 12 no) to delete the sentence as proposed.

Motions Submitted by Landowners: It was moved by Duke Sumonia and seconded by Guy McCoy:

Whereas Article XII, Section 1, establishes the requirements to change the annual assessment limit; and

Whereas the past practice of the RLA Board of Directors has been to ask the members to amend the bylaws to raise the limit to accommodate special assessments beyond normal operating expense budget, examples, special assessments for "Open Space" and support of the Glen Haven Area Volunteer Fire Department; and

Whereas the bylaw amendment, Article XII, Section 2, Special Assessments, approved by the membership at the 1999 Annual Meeting uses the term "assessment;" and

Whereas only the members may interpret the bylaws;

Therefore, be it moved the bylaws be interpreted to mean that the total of both budget determined annual assessment and any special assessments not exceed the assessment limit as set by the bylaws.

Discussion followed with concerns that such an interpretation would limit the Board's ability to act in case of an emergency and that it has not abused its authority and needs the flexibility to meet unexpected needs. Duke Sumonia requested the opportunity to rebut which was denied by a majority vote (24 yes; 26 no). It was then moved, seconded and passed by 2/3 majority vote (43 yes; 2 no) to close discussion.

The motion was then defeated by majority vote (Attending: 6 yes, 43 no; Proxies: 9 yes, 42 no).

Duke Sumonia then moved and seconded by Victoria McCoy the following:

Whereas the RLA Bylaws and Colorado Statutes require all Board of Directors meetings be open to all members; and

Whereas in order to attend meetings members must know in advance time and place of those meetings; and

Whereas some confusion has occurred recently as to whether the bylaws require notification of all members in a timely manner and that a schedule be published in advance in the newsletter; and

Whereas only the members may interpret the bylaws;

Therefore, be it moved the bylaws be interpreted to mean all members will be notified at least 15 days in advance of the time and place of all Board meetings.

Attorney Ed Guidicci commented that meetings are open to the public but that the Board of Directors has the right to go into executive session for an emergency and it would be difficult to comply with a 15-day meeting notice and react to an emergency appropriately.

At 4:30pm, the time set on the Agenda for the conclusion of the business sessions arrived, so a motion was made by Marlan McMahan and seconded by Ken Cooper that the meeting be extended for 20 minutes. Motion carried on voice vote.

It was then moved, seconded and carried to close the discussion on the previous motion. The motion was then defeated by majority vote (Attending: 5 yes, 42 no; Proxies: 7 yes, 43 no.)

Victoria McCoy then moved and seconded by Duke Sumonia the following:

Whereas the stocking of Miller Fork Creek with fish:

- 1) is an expense borne buy all RLA members for the benefit of a very few members who fish;
- 2) is an expense borne by RLA members for the benefit of non-RLA members;

3) attracts extra traffic and non-RLA members who use Retreat roads and who trespass on private property to reach the creek;

4) includes the possibility of introducing fish with whirling disease;

Therefore, it is moved that the stocking of Miller Fork Creek with fish by the The Retreat be banned.

Following discussion, the motion was defeated by majority vote (Attending: 14 yes, 31 no; Proxies: 21 yes, 29 no.)

At 4:50pm Frances Cunningham moved that the meeting time be extended 10 addition minutes. It was seconded by Carol Fulton and carried by voice vote.

Following landowner comments, the Retreat Landowners Association 29<sup>th</sup> Annual Membership meeting was adjourned at 5:00pm by President Trahan.

Respectfully submitted,

Joan Van Horn  
Meeting Recording Secretary

APPROVAL DATE: \_\_\_\_\_