



## RAINTREE PLANTATION PROPERTY OWNERS ASSOCIATION, INC.

### Board of Directors Meeting Minutes

February 17, 2020

**Opening** – President Dave Wooldridge called the Monthly Board meeting to order at 7:02 pm with the Pledge of Allegiance and announced a Quorum.

**Present Board Members** – Dave Wooldridge, Dave Getty, Barb Murrill, Chris Waller, Kristen Kilman, Al Wideman, Helene Figueroa, and Deb Enderson.

**Absent Board Members** – n/a

**Approval of Agenda** – A **Motion** was made by Dave G and seconded by Kristen to approve the agenda, and the **Motion** to approve the Agenda **carried unanimously**.

**Approval of Minutes** – A **Motion** was made by Helene and seconded by Barb to accept the open Minutes of the January 20, 2020 meeting. The **Motion passed unanimously**.

**Treasurer's Report & Monthly Check Report** - Barb reviewed the Balance Sheet, prepared on a Cash basis, which shows total assets as of January 31, 2020 of \$1,048,112.64 including roads, buildings, equipment, and all other POA assets. Barb also reviewed the Monthly Check Report showing total expenditures of \$35,498.62, which included nothing out of the usual monthly expenses. A **Motion** was made by Dave W. and seconded by Deb to approve the Balance Sheet, P&L Statement, and Monthly Check Report. The **Motion passed unanimously**.

**Correspondence Report** – Deb shared that Correspondence received in January included notices of Property Owner bankruptcy, A Quiet Title, and a Board member resignation.

### **Standing Committee Reports**

- **Administration:** Dave W. stated that John Drouant has resigned from the POA Board, four resumes were received from Property Owners applying to fill the vacant Board position. Deb, as POA Board Secretary, read the names of the applicants, who were Adam Crites, Scott Clark, Jeremy Griel, and David Dollar. The Board vote was completed in writing, and Adam Crites joined the Board at the head table after being elected to serve in the available position until the September Annual Election. Dave W. reminded everyone that 2020 Boat Stickers are required before watercraft hit any of the Raintree lakes, and they are available in the POA office. The office staff has spent their time welcoming new Raintree residents and new Property Owners, selling 2020 boat and golf cart stickers, working with multiple gate violations, working with many ACC/Rules projects, and with property sale listings through realtors. Dave also advised that Chris Waller has stepped into the role of Security Chair.
- **Legal:** Dave W. read the attached Legal Statement to bring Property Owners up to date with the remaining open legal issues and to address multiple incorrect statements in several anonymous letters mailed or posted to mislead Property Owners. The Intervenor has submitted a **Motion** to consider all Raintree Property Owners as a single class so that whatever ruling the judge makes applies to all Property Owners. The POA's attorney has advised not to object because precedent case law indicates we would not win that effort to block the Intervenor's **Motion**. The POA Board and attorneys are working to define what the terms would be if the judge determines that all POs will pay CC memberships, in order to protect POs from cost increases and to set a minimum level of services to be provided. Dave urged POs who want to provide input to the judge to attend the court hearing, with or without an attorney. The court date will not be to elect to opt out of the class, as that will not be allowed, but the judge will hear opinions about a proposed settlement. Dave advised that Q&As would be addressed during Open Forum.
- **Architectural Control:** David G. reported that there are 15 houses in process of construction in Raintree at this time. Plans for a house on Duffer Lane were approved at the January 21 ACC meeting. The ACC meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays every month.
- **Communications:** Deb reported sending an email to all submitted email addresses from [RaintreePOABoard@gmail.com](mailto:RaintreePOABoard@gmail.com) to get feedback from Property Owners about an alternate voluntary schedule for assessment payment. The question was whether POs would like to commit on a voluntary basis to pay quarterly for the upcoming year end, rather than waiting for the full assessment to be due by 7/1/2021. The POA Community Facebook page continues to draw questions and requests for sharing.

- **Community Relations:** Helene reported that the Committee met February 8. Volunteers met to discuss objectives of providing an opportunity outside of full Board meetings for Property Owners to voice their opinions and hear accurate information. Kristen will be the electronic point person. The first of several community meetings for this committee is scheduled for 2/26 at 7 pm.
- **Finance:** Barb reported that as of 1/31 the POA has \$159,522 for five months of ongoing expenses before assessments are received for the 6/30/2020 fiscal year end. A review of last year's expenditures for this time of year shows an average of \$29,000 per month, which is lower than other times of the year, making it possible that we will start receiving assessment income before our cash is exhausted.
- **Lakes and Beaches:** Al explained that a bid has been received for lake herbicide treatment from our same provider, AquiService, and that other providers have been reluctant to provide bids. He also announced that we are officially seeking volunteers for the Boat Patrol as well as seeking a covered dock available for parking the Patrol Boat through lake season. He discussed another contractor that Property Owner Eric Wilson suggested for lake dredging. More information will be requested, including the opportunity for financing, as there is currently no money in the tight budget for this project. He reminded PO that the July 4 holiday will be No Wake all day on Autumn Lake.
- **Maintenance:** Dave W. acknowledged the hard work by the maintenance team during these recent weather events, and also advised that we have received the last of our pre-paid salt supplies. The crew has installed posts at the ramp between the upper and lower POA lots, and cable will be added soon to block the lots as a short cut to Highway B when the office is closed. He provided an overview of the activities of the maintenance crew. The crew has been performing routine maintenance on the equipment and vehicles, including the 2005 F-350, which is close to the end of its service life as is the 2011 F-550 dump bed. The crew also spent time filling pot holes, and removing several tree limbs dangerously close to roads. The crew is also picking up large amounts of trash, responding to security issues at gates, and clearing blockages from culverts. Property Owners should fill out a work order if they see something that needs attention.
- **Roads:** Barb reported that there will be no more roadwork in this budget year ending June 30, 2020. The Roads Committee is continuing efforts to coordinate a petition to the State to improve cautionary marking around our Column Drive entrance. There was recently another accident at the Column Drive/Hwy B intersection but fortunately there were no serious injuries. After a meeting with Stephen O'Connor of the Festus MoDot office, we are expecting an update on our request in the next 30 days.
- **Rules:** David G. reported that the Rules and ACC Committees continue to work toward clarifying Raintree rules. Lately there have been numerous instances of vehicles crashing the entry and also the exit gates as well as unlicensed vehicles reported. Volunteers including Joe Hettel, Michael Hinkle, Chris Waller, and others have continued to put the gates back in operation when needed.
- **Security:** Chris reported that he has been reviewing bids for updates to the camera system and is currently waiting for bids from Dan Osolinski and two others.

#### Old Business –

- Barb **Motioned** to purchase additional road salt for \$2,400. Kristen seconded the **Motion**. The **Motion** was **approved unanimously except Adam abstained**.

#### New Business –

- Al made a **Motion** to name Frank Henrich as our volunteer Live Well checker. Dave G seconded. Voting was delayed to allow Al to review with Dept of Conservation and revisit this topic next month.
- Al made a **Motion** to accept the \$5,600 bid from AquiService to provide herbicide treatment for the upcoming season. Deb seconded and initiated a discussion of service to be provided and confirming inspections every 3 weeks with supplemental treatments as needed from April to September 1. **Motion passed unanimously**.
- Al made a **Motion** to purchase safety vests to be kept on the Patrol Boat for Lake Patrol volunteers instead of buying 8 to 16 individual shirts for \$18-\$26 each. Kristen seconded. The **Motion passed unanimously**.
- Dave G. distributed the updated Rules already approved by the combined Rules/Architectural Control Committees. Dave G. made and Barb seconded the **Motion** to approve the Rules updated so far so they can be reposted onto the POA website. The **Motion passed unanimously**.

**Adjournment** – A **Motion** was made by Dave W. and seconded by Dave G., and the **Motion passed unanimously** to adjourn the meeting at 7:44 pm.

## Open Forum –

- Mary Lou Watson – asked if the Legal Statement read will be posted on the website and assured that it would be on Facebook, on the website, and included with the monthly minutes.
- Kent Jarus – asked about the hearing. Dave W explained that the PO have all been determined to be a single class as motioned by the Intervenor and repeated that all Property Owner will get a mailing where/when to attend the hearing on the settlement and that the purpose of the POA involvement is to protect Property Owners.
- Larry Womack – proposed a Covenant change to charge a \$10,000 penalty to the Country Club for using roads and adding a golf cart inspection requirement.
- Jackie Keating – read old Covenant versions that are already in possession of attorneys and the judge
- Travis Gilmer – protested that the Country Club allows public golfers inside our gates. Dave G explained that the CC is fighting the lawsuit filed by a previous Board.
- Dave Staloch – asked that we “get a dog in the fight”
- Tillie Winchester – commented that after only a year here, the anger with in the community is very evident
- Dave W – reminded everyone that that the POA had the opportunity to buy the Country Club about 10 years ago, and by voting no, assured that it would be a private business with some control over some of our Covenants
- Mary Jane Bowling – accused some of the Board of “socializing with Dave Tucker and Kevin Roberts” and mistakenly stated there were no law suits prior to the CC purchase by Dave Tucker
- Helene Figueroa– explained that she lives in 1-19 and doesn’t play golf, but ran for the Board to try to help resolve the legal issues. She said, "I would be willing to pay reasonable CC dues if that's what it takes."
- Ron Hughes – has lived here since 1995 and doesn’t want to pay the CC
- Scott Clark – said another class should be added
- Kent Jarus – restated assumption that the judge is aligning Raintree to a single class of Property Owners and that the POA Board is negotiating with the CC for the best price and amenities
- Wanda ? – asked what amenities would be provided – golf, pool, fitness center
- Sandy Lynn – stated that paying membership dues makes us investors to share in profits
- Larry Womack – suggested refusing to participate. Ted Disabato, POA Attorney, explained that any attempt to assign costs to or break the CC would be considered by the Judge to be a “predatory move”. He further explained that the Intervenor made the motion to make all PO a single class, not the POA, and that the documented legal precedents for the POA to fight that motion are not good. There are precedents that the Judge will reference, and the POA doesn’t have options now that the Intervenor moved to combine all POs to one class. The POA is trying to make the best of the situation. He explained that the Williamson ruling specifically says that the Club owner can change whatever he needs to.
- Joe Geiler – can we say yet what the membership cost being negotiated is? Can we charge the CC for water easements? Ted Disabato explained that the Judge would not accept that predatory move
- Rebecca Waller – asked if the judge would accept “opt outs” who refuse to pay for Club membership, and Ted replied that the CC owner would have authority to enforce membership dues on the property.
- Kevin ? – asked if the POA can guarantee an increase in property value, which is beyond the power of the POA
- Mary Jane Bowling – asked why the Judge can’t come to Jefferson County, and Ted responded that he might. It is the Judge’s decision whether to come to the Jefferson County Courthouse, and we’ll know that when he schedules the hearing.
- Ed Aguardo – suggested an “emergency” change that Ted replied would represent an “equity change” that would not be accepted by the Judge.
- Kim Seabaugh – as a real estate agent she wants a restaurant and some oversight included, and Ted assured her that both have been part of the negotiations. He explained that the first priority is to get a cap on the membership fee, and then specific amenities can be negotiated.
- Jackie Keating – says the CC agreed not to collect from Sections 1-19, and Ted explained that ruling represented a fraud on the Court, which is one of the issues of the current lawsuit.
- Mary Jane Bowling – asked if current PO could be grandfathered out of CC membership, and Ted explained that the Judge already declined that option
- Jackie Keating – asked if the appointed Judge has experience with this situation. Ted said he thinks the Judge is fairly open to hearing suggestions
- Rebecca Waller – asked again about grandfathering current POs, and Ted said the judge said that would be inequitable.
- Scott Clark – asked multiple questions about the hearing notice, and Ted repeated that the Judge will determine the contents of the notice. Ted Disabato explained again that it is in all Raintree POs best interest

to come to a settlement, because without that, the Judge will set the terms, which will likely be more expensive for PO.

- Larry Womack – asked if there will be “checks and balances” to which Ted explained that a significant purpose of the settlement agreement is to protect Raintree from the NEXT owner of the CC, who may have no ties or allegiances to Raintree. He stated that the parties are close to agreement.
- Rhonda Helfrich? – stated she feels like a victim and wants to know if the money will go to the POA or the CC. Ted assured her that none of this relates to POA assessments, and that the various versions of the developing settlement agreement all stipulate that outsiders should pay more for use of CC amenities than Raintree PO.
- Jeremy Greil – confirmed all can attend the hearing, and Ted affirmed
- Travis Gilmer – asked if the CC can be required to get a percent of its income from outside Raintree, and Ted confirmed that is a component of the Settlement agreement.
- Dave Staloch – asked how many lots are in Raintree, and Dave W. stated that we currently have 2,250 lots paying assessments but could get to as many as 2,500.

The meeting ended at 9:23 pm. The entire meeting was broadcast by Derek Pryor and posted on Facebook.

Minutes submitted by: Deb Enderson, Board Secretary