

**TRLA BOARD MEETING
TCC RANCH HOUSE – 10 A.M.
OCTOBER 15, 2011**

ATTENDANCE: Board members Eileen Domer and Dale Spencer (by speaker phone), Linda Pedersen, Don Parry, Jerry Toellner and Mary Jo Wallen. Landowners: Nancy Wills, Ben Burkland and Ron Dordini (potential landowner)

Linda Pederson called the meeting to order at 10:10 a.m. Quorum established.

Introductions & Announcements: Rhett Renoud's resignation was effective October 7, 2011. Open position on the Board is for 2 ½ years.

Secretary's Report – Mary Jo

Don motioned that we approve the amended minutes and Eileen seconded. Motion carried.

Treasurer's Report - Eileen

Eileen presented the following for the September report:

- Income = \$ 5,076.84
- Expenses = \$10,597.00
- Balance in 4 Bank accounts = \$232,038.78 as of 10/13/2011

Significant expenses for September, 2011:

- Insurance – Directors/Officers - \$2,492.00
- Office Supplies & Expenses - \$105.00 to print newsletter at Gallup Printing
- Newsletter - \$200 payment for layout
- Legal - \$779.00 work on foreclosures
- Lien & Notary Fee - \$50.00 two lien releases
- Operating Supplies - \$234.00 Dine Lock for safe refurbish and purchase of 25 keys
- Ranch House - \$2,769.00 payment to contractors for handicapped access and wages for lawn work
- Common Land Maintenance Repairs - \$198.00 wages for cleaning culverts, ditches and trimming trees south side of lake
- Sanitation & Janitorial Supplies - \$220.00 wages for cleaning Bath House
- Tractor & Dump Truck - \$50.00 wages to drive equipment to JRL in Ramah
- Other - \$11.00 wages to sharpen lawn mower blade
- Gravel - \$861.00 Justin Earthworks gravel to Hilltop
- Road Maintenance/Repair - \$116.00 wages for grading with tractor
- Utilities - \$132.00 electricity and telephone
- Speaker Phone - \$332.81 accounted for in Assets: Property and Equipment, Office Equipment

Foreclosures:

- **Lot a** – Guardian of landowner arranged a payment plan with Association to satisfy dues and legal cost. **Lot c** – Owner contacted Association and stated they would send payment by November 1, 2011. On October 4, 2011 four additional landowners were sent letters by registered mail warning pending foreclosures.

Miscellaneous

- Dale asked about the cost of refurbishing the Ranch House. Eileen advised that she could put the figures together and we could put in the newsletter sometime in the future.

Roads Report – Jerry

Gravel has been spread on Culebra to Elk, Aspen Loop (to the Red Door Cottage). Oak has been graded again and Cottonwood Loop past Garcia's house to Lashley's. Justin's Earthworks will gravel these areas. Mike Henderson and his two neighbors graveled Black Bear to his house several years ago and requested that the road be finished, so this will also be graveled. Wolf Road has been graded to the lake gate area. Graded Elk to Roadrunner because of recent flooding. Landowners thanked us.

Areas of concern in the future are: Ditch on Hilltop and on Woodland Dr. Fox is all bedrock and will be a big problem. Black Bear was re-surveyed about a year ago, so we need to make sure of the road location before working on Black Bear where it comes down close to the Box S.

Roads should be in good shape for winter. Grading Pinetree and ditch cleaning in spots. Jerry will notify John Park on Elk (across from Jerry) concerning the replacement of a 4" pipe with a 15" pipe. Jerry has already dug the 4" pipe out. Mr. Park sent pictures along with his letter requesting that the ditch be cleaned out.

Tom Merritt took Rusty out on the Zetor tractor to get him acquainted with the equipment and the area. Rusty is well qualified to run heavy equipment and is also mechanically inclined. Rusty is going to grade Woodland (one area washes out quite a bit), Copperweed, Buttonwood and Sunflower.

Ron Schali has informed us that he'll be coming in to his property via Conejo this winter. Jerry will ask Ron to move the tree limb across his driveway before it snows since the driveway is used to turn around.

Don will instruct Rusty to get the mower deck on the tractor so mowing can be done before winter.

Don is going to take the Ford pickup into Grants for routine maintenance (under Ford Warranty and free) and then will install the snowplow. Jack Mansperger and Rusty Richardson will be primarily responsible for snowplowing while Jerry is gone this winter. Dick Wallen has agreed to fill in if someone isn't available. If we don't plow because a landowner doesn't want us to and then it snows more, it's hard on the equipment if we need to get an ambulance in and out. So, for safety safe, it's best to snowplow all side roads. Therefore, it will not be necessary to send a letter to determine who plans to be here this winter.

Linda asked if John Ellett submitted a request for gravel and Jerry said no, although he knows the gravel is thin on Cottonwood Road. Gravel still needs to be applied to roads with no gravel before providing more gravel to thin areas.

JRL repaired the dump truck (hydraulics, installed remanufactured ram cylinder) and Zetor (tire patch and installed new grader blades). JRL has indicated that it's hard to find parts and main case is beginning to seep. Jerry will investigate an American made tractor in anticipation of trading in equipment within a year or so. Tractor should be an automatic so it's easier for anyone to operate.

Architectural/Maintenance Report – Linda

No plans were turned in. A lot on Woodland is being transferred today. New landowner intends to get well in before winter. Jerry indicated that he needs to make sure their driveway is done correctly (proper culvert) to avoid further problems on washing out on Woodland.

Commons - Don

Completed Items –

- Don and Danny completed the installation of the light over the kitchen sink.

- North lake gate cable was repaired. Non-landowner continues to leave the gate open.
- Chopper completed the wheelchair access and ramp on east side of porch by Work Room and to the Ranch House and to the Rock Room and poured patio area (alcove).
- Two screen doors repaired.
- New door on furnace room at the Bath House. June Allen and Don Parry have key and extra is in Well Room.
- Bath House furnace thermostat fixed (had a short).
- Don Parry, Linda Pedersen, Danny Montoya and Cindy Crawford took pictures of the damage to the east fence line caused by Mr. Bond's cows. It was discovered that the fence was cut and a rancher's gate installed to let cows in and out. This was done without the current Board's knowledge or permission.

To Be Completed –

- Weather stripping (Chopper had an accident recently and was in the hospital, so we're not sure when he'll be able to finish).
- Danny Montoya & Don will close down the Bath House on 10/27 and winterize.
- Chopper has agreed to widen the walkway by the RH flagpole for \$200.
- New picnic tables will be purchased. Prices have been researched; but no decision made yet. Volunteer Group will help with the purchase of replacement tables.
- Danny Montoya and Don met with the Shoppe's to discuss removing the steel gate, cleaning up fence, sagebrush and clean up the corner on the south side of the lake. Work will start in the spring.
- Tom Merritt is cleaning up brush by the south access lake gate.
- Don Parry will fix the leak in Bath House next week.
- Don Parry will measure Library doors because screen doors are needed.

Communications – Linda

- Don will prepare the cover page
- Eileen will prepare the Treasurer's Report including pie charts
- Don and Linda will prepare the Commons Report
- Linda will prepare the Architectural/Maintenance Report
- Jerry, Mary Jo and Linda will prepare the Roads Report
- Linda will prepare article on Common Land and Notes of Thanks
- Dale will prepare the second part of the El Moro History – Conquistadors and 7 Cities of Cibola
- Linda and Nancy Wills will prepare an update from the Timberlake Neighborhood Volunteers
- Linda and Mary Jo will prepare the Fact Finding stories – Trail System, Verizon Cell Tower, RV Waste Dump
- Linda will prepare information on open Board positions so landowners can start thinking about annual elections

Don indicated that Jolene's cell phone # is still appropriate.

Old Business:

1. CCT 74 Update – Dale received a reference for a real estate attorney from Albuquerque; but contact has not been made, nor do we have the attorney’s name yet. Adverse possession is the legal term that we should use concerning this legal issue. Our attorney previously advised to file a quiet title (cost is \$1,500 to \$2,000) but this process could go back and forth between TRLA and Mr. Lambson. If we really want to stop further problems, we need to seriously consider filing a lawsuit with punitive claims and pressing to a conclusion. Linda wanted Dale to ask the real estate attorney about the “Subdivision Act of NM”. Don also suggested that we could file a complaint with the Game & Fish Dept. For every 40 acres, more access for elk permits is granted. Question was also asked as to the cost involved in filing a lawsuit and the surveyor’s liability. It was suggested that we send a registered letter to the surveyor. Linda said this is being done by the other people involved. It took us six months just to get a case number. Dale will keep us informed.
2. Common Land Increase Update – Mr. Banner called recently and said nothing more has been done with the quiet title because Fidelity Title is saying that a quiet title may not be necessary. Mr. Banner will stay in contact with Linda.
3. Foreclosure Process Updates – Refer to Treasurer’s Report. Four foreclosures are in process for seven lots (one landowner has four lots). Mr. Banner has given us websites to follow for taxes, etc., and Eileen indicated she will have to follow cases more closely. Don questioned if we still had 95 landowners who hadn’t paid their dues. Current number is not available, but Eileen said several had paid recently. Dale indicated if there is financing on the lot, we probably wouldn’t get paid. So, perhaps we shouldn’t spend money for attorney fees if we’re not going to recoup.
4. Verizon Tower Update – Mary Jo indicated there were 27 landowners expressing a desire for the cell tower and 9 no’s. We had hoped that since Vanderwagon had a tower, that our Volunteer Fire Dept. could locate a tower on/near their property. Wolf indicated that we didn’t meet the Verizon restrictions. This is an on-going investigation process.
5. RV Dump Fact Gathering Update – After several of the Board Members met with our local Environmental Specialist, Mr. John Rhoderick, it was determined that the cost was prohibitive and the liability for accidental spills was too great. Hooking up to our present septic system isn’t an option. Jerry made a motion that we do not pursue installing an RV dump and Don seconded the motion. Motion carried.
6. Potential Recreational/ABG Trail System - to be discussed in Executive Session.
7. P & P Manual Upgrade for Employees Work Env. – Under 10:2 Hiring, Promotion and Dismissal it was decided that under bullet #5, we would add that the decision by the Board could be made via email and by telephone. Under bullet #1, the words, “Full Time” positions will be added. These procedures do not need to apply for seasonal contract labors. Concerning the length/verbiage of the Sexual Harassment Policy, it was originally prepared by Tim Amsden and Roger Irwin. A recent opinion from our insurance agent, Terri Harris, indicated that the Policy should not be shortened. Current policy is appropriate. All new employees, including our seasonal contract labors, should receive a copy.

Clarification of the three-year Audit was also mentioned that we could defer for three years. Per the By-Laws, audits should be performed every three years, but can be changed with Special Assent by the Membership.

8. Key Checklist for Board Members/Employees – all Board Members should fill out as well as any employees working for those Board Members (ie: Jerry will have his Road Crew fill out). Jerry also mentioned that we need to make sure that the circuit breaker for the Zetor (winter plug in), not be turned off. Jack Mansperger needs to make sure all circuit breakers are marked (some have dual purposes so we need a written list).
9. Tree Removal on Road Easements – Five trees have been cut down and six or seven still need to be cut down. Two are near power lines. Continental Divide was contacted concerning these two, but did not express an interest in coming out right now. It was mentioned that Mike Lipka has expertise in dropping trees. Don indicated that this is an on-going project. Jerry needs to get the stumps out with his backhoe and project will probably not be finished until spring.
10. Letter to NM AG Office re: Pelham Foreclosure – Linda sent three letters to the State of NM (Darrell Lujan, Bureau Chief for Property Tax Division; Gary King, NM Attorney General and Lewis Terr, Special Assistant Attorney General). Purpose of letter was to determine how the State plans to reimburse TRLA for the legal fees incurred on the Pelham foreclosure due to the mishandling of “Disclaimer of Interest”. The State auctioned off the property on 6/7/2011 without any regard to our foreclosure.

New Business:

1. Cattle/Commons - Refer to the Commons Section. Cindy Crawford contacted Mr. Bond about his cattle getting out of the fenced in area. Cindy then contacted Linda over the cattle issue with Mr. Bond. Because Cindy was knowledgeable about this fence being installed by the developer to surround the Commons acreage, she volunteered to show areas of concern with the current condition and gate that has been cut into the fence line. The plat map was compared to the current fence line and the stakes were located on northeast corner and southeast corner. Later, Cindy found a copy of the 1978 Statute concerning the animal industry on her door with a highlighted section about the duty of an owner to fence out and that an owner can't get damages if trespass is not willful. But, Cindy feels that she can get damages because of the certainty that the cattle will get out. Jerry indicated if the cattle "wander", damages can't be awarded. If they open the gate, that is a legal question that Linda is going to refer to Mr. Banner. Mr. Gerald Richins, who lives on Quickdraw, is suppose to be taking care of the cattle since Mr. Bond was injured last month.
2. Ferrell gas/Propane – Mary Jo checked with Ferrell Gas & Gallup Propane about the cost of purchasing a 250 gallon tank. Both are around \$900 plus tax. Current cost from Ferrell Gas is \$2.98 a gallon and Gallup Propane is \$2.36, which is a difference of \$.62. On the last fill, this would have saved around \$30.00. If you average the last five fills, we would have saved \$173.81. Don indicated he would read the tanks. Mary Jo indicated she would re-contact Gallup Propane to find out their lease cost. (On Monday, Don called and said the Library tank is at 55%, Rock Room tank is at 62% and Bath House is at 20%. Since the Bath House will be closed on 10/27, no propane is needed now). Decision will be tabled for now.
3. Zetor – See Jerry's comments in the Road Section. Navajo Tractor will take the Zetor in on trade and indicated they have had problems with Zetor tractors. Jerry said he would check on J. Deere, Case and Ford/New Holland tractors. County Maintenance Departments use a lot of Fords. Zetor was purchased in 1999 for \$26,000. Tractor attachments are interchangeable, which will be a savings. Jerry indicated we should look for a more powerful tractor (50-60 horsepower). Price of a Case, International or Ford is all about the same; but J Deere is higher priced.
4. Fire Ban Signs – Don will take down on Tuesday.
5. Guest Membership –Mr. Banner has suggested we add two items on our Guest Membership form – 1) Guest will be held responsible for all legal fees if they fail to fulfill obligations and 2) Guest will be held responsible for the cost of "all" keys to be redone. Linda will ask Mr. Banner to redo our form to ensure accuracy.
6. Snowplowing – A list of Individuals who can plow private driveways will be included on the website and the next newsletter. (List consists of Justin Earthworks, Alice Bybee, Dick Wallen and Munoz Backhoe Service).
7. Approval of \$200-300 for Historic Room – There was no objection to Linda spending this amount to develop pictures for albums and slats for a bench @ \$1.72 a foot so that the Historic Room can be finished next year.
8. Approval of Legal Questions/Cattle Damage to Commons – Linda will incorporate all suggested changes and mail out the first of the week.

Landowner Input

A potential landowner had requested help on site drainage on the Halcon cul-de-sac. The lot is lower than all of the other five lots (#8, 7, 6, 5 and 3). Common Land across from his lot (#4) has a natural swell and water empties out into the cul-de-sac and down his driveway and floods his garage area. He has been hand digging out several areas on his property. Jerry indicated he cannot dig on an adjacent lot without the landowner's permission. Jerry offered to come down with his transit and determine if anything can be done. Landowner has already talked to Justin and L Munoz and they have indicated it would cost \$1,247.50 . He wants TRLA to pay \$525 of this total. It's also important that the cul-de-sac remain big enough for grading/snow plowing. Don indicated we cannot divert water to another landowner's property. Eileen suggested that the landowner contact the adjacent landowner so the two of them could work something out. Don and Jerry agreed they would meet with the landowner to review the problem again to determine what can be done (if anything).

Eileen moved to adjourn the meeting at 1 p.m. and Jerry seconded. Motion carried.

Respectfully Submitted
Mary Jo Wallen, Secretary