

Burland Civic Association Meeting
April 10, 2004

PRESENT:

Bob Worley
Jean Wagner
Shirley Franklin
Jack Roberts
Cameron Wright
Don Collins
Roger Sawyer

Mary Ellen Sawyer
Dutch Muetz
Joel Hendrickson, Tetra Tech/Nextel
Lowell Nelson, Tetra Tech/Nextel
Stacey Mathis, Tetra Tech/Nextel

Bob Worley, Vice President and Acting President called the meeting to order at 10:00 a.m. It was determined that a quorum was present. It was motioned, and approved that Mary Ellen Sawyer would become Secretary of the Association.

The minutes of the previous meeting on March 13, 2004 were approved. Copies will be made available at the next meeting.

The Nextel personnel attending the meeting were introduced. Joel Hendrickson announced that he would be departing Nextel in two weeks and Lowell Nelson and Stacey Mathis were attending this meeting in order to provide a good transition for their proposal of access to Bailey Mountain.

Bob offered background on this proposal along with information presented in a letter from Joel Hendrickson (Nextel) dated April 2, 2004. Nextel remains interested in locating wireless communication equipment on the Burland Civic Association's property at Bailey Mountain. Their intent is to lease, zone and build the site as soon as possible. The completion of site development and rent commencement is ultimately based on where the equipment shelter is located. They proposed two scenarios.

1. If Nextel locates equipment at the base of the mountain, Park County Planning requires a variance application and special use permit prior to construction. This will take approximately six months and there is no guarantee for approval. Due to the prolonged planning process, Nextel will not sign the existing lease and therefore pay rent on a site that is not built nor has any guarantee of being built based on the planning process. Nextel proposes to draft a change to the lease stating that rent commences upon construction, or 12 months following full execution (whichever comes first). Nextel would compensate BCA with \$1,000.00 for agreeing to the proposed lease term change. They would then pursue the variance and special use permit.

2. If Nextel locates equipment at the top of Bailey Mountain by using or expanding an existing approved equipment shelter, Park County requires an administrative review, which will take approximately one week. They would then apply for a building permit (approximately one month) and commence construction. Construction would initiate payment of rent to BCA. Nextel's proposal to use/expand our existing shed would require our permission of limited vehicular traffic on Bailey Mountain. Nextel says the County Planning Department has no objections to this vehicular access. Nextel proposes 20 trips per year (once construction is completed) by using Polaris ATV's and Snowmobiles for scheduled and emergency visits.

Bob explained that historically, there have been no vehicles on the mountain; however, in his research and talking with the past president of BAC, he is not aware of any written prohibition. Nextel wants to go up the easement (currently used by IREA.) Bob mentioned that we do have permanent easement rights granted in 1979. Nextel's access is subject to negotiation of a final contract and we need to know from the board if this will be acceptable beforehand.

Dutch Muetz (from a non-profit club who reviews and monitors radio transmissions in the area), questioned the Nextel folks concerning any new towers. Joel Hendrickson explained the locations, and that this is the "end of the line". Mr. Muetz appeared satisfied with this information in that it apparently would not cause his club members any interference.

Discussion followed concerning Nextel's access and it was explained that their intent was to enter off of Mt. Bailey Road to the top of the mountain, the shortest possible route. Bob stated that contract would have to include conditions to keep/maintain easement for corrosion, etc. Joel Hendrickson responded that they would be responsible for any repairs as necessary. He also stated that Nextel has an agreement with current property owners at 499 Mt. Bailey Drive, the residence on the cul-de-sac near the Mt. Bailey access location.

The County, Verizon, T-Mobile, Wispertel currently have equipment on top of the mountain, but no vehicular access. Mr. Nelson (Nextel) responded that their equipment is heavier (25 to 150 lbs.), the reason for the need for the vehicular access. Cameron Wright stated that ATV tires are normally forgiving to the environment. Joel Hendrickson mentioned that we might keep in mind that if they do obtain the approval for vehicular access, there may be other companies requesting access also. It was mentioned that the two existing sheds were built by T-Mobile and turned over to the BAC, which Nextel proposes to use. Anyone in the future wanting to build would have to go through the Park County Planning Department.

Jean Wagner suggested that the BCA members make a trip up Mt. Bailey to view the terrain, and then get back to Nextel within the week. It was agreed that we would meet at 9:00 a.m. on Saturday, April 17th to do this. Joel Hendrickson asked that the decision be made as soon as possible, and they would appreciate that everything be done to make this work.

Motion was made that in accordance with the wording of Nextel's letter (April 2, 2004), we would accept \$1,000.00 monthly rent in consideration of their going through the zoning process. Seconded and approved.

Treasurer's Report was read and approved subject to audit.

President's Report included the proposal concerning Bailey Mountain, and the name change of the Burland Civic Association to Burland Homeowners Association, Inc. The motion is that the board of directors recommend to the members of the corporation that the name of the corporation be changed from Burland Civic Association to Burland Homeowners Association, Inc.; that this motion be presented to the active members for approval at the annual meeting on June 12, 2004; and that notice be provided to the active members by first class mail at least 10 days before the meeting in accordance with Colorado law. The motion was seconded and approved.

Bob mentioned the possibility of coming up with a procedure to enforce the LUR's (Land Use Regulations) in the Burland area and stated that he had talked with Attorney Rymer. Mr. Rymer's opinion was that we could get support from the county by taking pictures, document with descriptions, etc., with several kinds of residential classifications as certain properties are zoned differently. Mr. Rymer suggested two letters to the offending homeowners, i.e., the first, and softly worded letter, and the second, using, a stronger, more legalistic tone. Shirley Franklin stated that she may have copies of letters used in the past, and that there is actually homeowner/covenant case pending. Bob mentioned he would like that information, as he would be interested in sitting in on any pending litigation.

Locked mailboxes. Jean stated that information from the post office indicates that homeowners are responsible for purchase, installation and maintenance. Bob asked for a report as to where they might be purchased, cost, maintenance, etc. so that this may be presented to members for possible consideration to homeowners.

Grant Report. Shirley Franklin stated there was nothing available to date. The grant was submitted on November 2003 and she felt something should have been received by now. She will follow up and report at the next meeting.

Unfinished Business – July 10th picnic. It was mentioned that we would invite county officials. This is normally done to get acquainted and informally discuss items of interest.

Shirley Franklin mentioned the Platte Canyon Fire Department is having a slash drop off on April 24-25, and they have requested volunteers for this time. This is slash only, and no tree stumps or building materials. Volunteers should contact Gayle, PCFD, at 303-838-5853, and Shirley suggested that you mention you are from the Burland homeowners group.

Bob will prepare a contract for use of the Park. There is a \$50 deposit. Shirley Franklin and Jean Wagner oversee the needs of the Park.

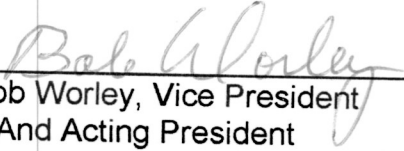
Roger Sawyer stated that he had received calls concerning teenagers at the Park, allegedly drinking "Jack Daniels", smoking marijuana, harassing adults, and bullying children. They also complained of the dirt bikes on Yellow Pine. Further, there is a man who walks his dog at night, and it was mentioned that these teenagers harass and intimidate this man. These are strong concerns of these callers. One stated she and 2 other Park neighbors had cleaned up the park, picked up the broken glass, etc. She stated she has talked with the Sheriff's Department and things are not improving. Roger stated that he offered and did talk with a Deputy who said they would put on extra patrols in the area. Both Shirley Franklin and Jean Wagner responded that they know who the one caller is and she is a habitual complainer about the Park. Roger stated that while this may be true, and it is a matter of the law, we do have an interest as a homeowner and it is our Park. Discussion followed about this ongoing problem along with the destruction of property, etc. Shirley Franklin will look into the possibility of indestructible lights at the Park as a possible deterrent (as far as a teenage hangout is concerned.)

Cameron talked about generating more interest in the homeowners group, and also the possibility of getting our newsletter out more often than quarterly. Some felt this might be too expensive as it currently costs approximately \$700 for the quarterly newsletter project. This may be an item for further discussion. Bob asked Cameron to head up a new committee and introduce ideas for recruiting more members. There are approximately 900 homes in Burland Ranchettes. Mandatory membership was discussed and it was agreed that this is not an option. Something like this basically must be introduced as a provision of a newly built subdivision. Cameron mentioned maybe getting a letter out to realtors that this is a serious homeowners association; possibly get new, updated signs, etc.

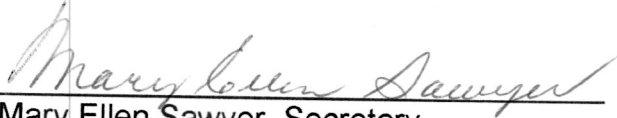
Burland Civic Association Meeting
April 10, 2004
Page 5

Open Forum. A need for a digital camera was mentioned with regard to the enforcement of the Covenants. Jean Wagner offered to take pictures of obvious Covenant violators and report back.

The meeting was adjourned at 12:00 Noon.



Bob Worley, Vice President
And Acting President



Mary Ellen Sawyer, Secretary

Burland Civic Association Special Meeting
April 22, 2004

PRESENT:

Bob Worley
Shirley Franklin
Jack Roberts
Cameron Wright
Mary Ellen Sawyer

Jean Wagner
Kendra Stecker
Don Collins
Roger Sawyer
Stacey Mathis, Tetra Tech/Nextel

Bob Worley, Vice President and Acting President called the special meeting to order at 7:00 p.m. Bob opened the meeting stating the purpose of the meeting was to discuss and vote on the possibility of allowing Nextel limited motorized vehicular access to Mt. Bailey as outlined in their April 2nd letter which was presented at the last meeting (April 10, 2004). Further, there was a meeting on Saturday morning, April 17, 2004 at the Mt. Bailey tower easement and Cameron Wright brought his personal ATV for a performance and environmental impact demonstration up the mountain, and it was felt that another meeting was appropriate for further questions and discussion prior to taking a vote for approval/disapproval for this particular scenario.

Discussion followed and Stacey Mathis clarified that Nextel would not build an additional shed if they had access to the top of the mountain (where they will use an existing shed). He further stated that Nextel would maintain the trail and follow guidelines as furnished by Jack Roberts. It was mentioned that although Cameron's demonstration on his ATV was of a very slow speed, and he proceeded very carefully up the mountain, that doesn't necessarily mean that everyone would be driving up there in that same manner. It was also noted that by the very presence of ATVs, other unauthorized persons might think they can take their ATVs up the mountain. The possibility of placing signs and a gate were discussed; however, it was agreed that anyone could drive around the gate if they wanted to; although the presence of signs/gate may be a deterrent.

The question was posed to Nextel if they had considered use of llamas for packing their equipment or any other such alternatives; however, Stacey was not aware of any. He stated that he believed that Nextel's intent was for a 20 – 30 year lease and would be responsible for any necessary maintenance.

Discussion followed concerning our assisting Nextel with the County by requesting their expeditious and favorable response for the building permit for the shed (if the resulting vote was "no" to allowing access to the top of the mountain). It was mentioned that there was some question as to Verizon having an unapproved (by us) tower, or antennae and paying rent to the County. This may

be possible leverage with the County in our request for their favorable approval of Nextel's building permit.

The question was posed if it was possible for Nextel to temporarily locate their equipment at the top of the mountain until their shed could be built at the bottom; however, Nextel responded that this was not feasible.

The motion was made to not allow motorized vehicle access to the top of the mountain, and ask the county for their help in getting the building permit approved.

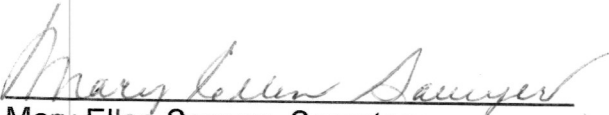
Cameron asked Nextel if their visits would be limited to 15 or 20 visits and Stacey Mathis verified this was true. Cameron stated there may be some environmental impact, but certainly not huge, which would eliminate the need for an additional shed. Discussion followed that motorized vehicles will also affect the neighbors, although Nextel does have an agreement to access the property via 499 Mt. Bailey Drive (Barton Perlman). Mr. Perlman was invited to attend this particular meeting; however, did not attend.

The vote was taken and the majority denied motorized vehicle access. Jean Wagner will draft a letter to the County requesting their expeditious processing of the building permit, etc. for Nextel.

Stacey Mathis (Nextel) stated they would have an amended lease available April 23, 2004 and would be in touch with Bob Worley accordingly. The amended lease will be to postpone any rent payment to BCA until Nextel can get county approval and start construction of the shed. Nextel will compensate BCA with \$1,000.00 for agreeing to the proposed lease term change. Bob Worley was authorized to execute the amended lease on behalf of the association.



Bob Worley, Acting President



Mary Ellen Sawyer, Secretary

AGENDA
REGULAR MEETING OF THE BURLAND CIVIC ASSOCIATION
43/10/04

1. Determination of Quorum
2. Election of new Secretary: Mary Ellen Sawyer
3. Minutes of last regular meeting
4. Special Appearance: Joel Hendrickson of Nextel West Corp.
5. Reports of Officers
 - a. Treasurer's Report
 - b. President's Report
 - i. Bailey Mountain
 - ii. Name change: "Burland Homeowner's Association"
6. Reports of Committees
 - a. Mail Box Committee
 - b. Covenant and Zoning Committee
 - c. Grant Committee
7. Unfinished Business
8. New Business
9. Open Forum