

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
January 17, 2006**

A Board meeting of the Raintree Lake Property Owners Association was held on January 17<sup>th</sup>, 2006 at 7:00PM. Board Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Tim Nydegger, David Mac Queen, Tom Tucek, Bob Orr and Cheryl Fritts. Ed Gross was absent. Rachelle Vandiver was present.

1. Brian Whitley called the meeting to order at 7:08 PM and announced a quorum for the Board meeting. Brian asked for a motion to approve the meeting Agenda.

*Tom Tucek moved to approve the January Board Meeting Agenda as stated. Tony Jose seconded the motion. Brian asked for a vote: The motion passed 7-0.*

2. **OPEN FORUM**

Brian Whitley announced there would be ten minutes allowed to hear resident's concerns, complaints and questions. Brian asked the residents to please state their name and address before speaking.

**Charley Sandman** 4074 SW Lido Dr. stated, there was an article in the September Shoreline that stated, the beginning of October 1<sup>st</sup>, per the bylaws the residents must maintain the exteriors of their homes. It was his understanding that a number of letters were sent out to residents with homes in need of repair and they had 90 days to make these repairs. Charley asked what is the status of these homes and how many of these have been repaired. There were three houses that he reported and after 90 days these houses have not been repaired. Rachelle Vandiver stated there were 13 letters sent out. Eight homes have been repaired and the five houses that are still in need of repairs will be turned over the City of Lee's Summit.

**San La Point** Lot 811 asked Brian, "do you have any updates yet on the common ground clean up were the new sidewalks have been installed. There are still branches, leaves and debris around these areas". Rachelle stated her crew would be cleaning up these areas soon. Brian stated there is some areas around the new sidewalks that don't yet have fill dirt around them. Rachelle stated that our contractor is not finished with this project. San La Point also asked about the large tree that has been cut down. Will the stump in his yard be removed with the sidewalk project or the new tree removal project? Rachelle stated the stump would be removed in the tree removal proposal. San then asked about the large rocks that are on the North boat ramp. Rachelle stated that these rocks would be removed after the front loader is repaired.

### 3. **CONSENT AGENDA**

Brian Whitley explained the Consent Agenda and asked do we have a motion to approve the Consent Agenda, which includes the December Board Meeting minutes and the payment of bills?

*Tom Tucek moved to approve the Consent Agenda. Tony Jose seconded the motion. Brian asked for a vote to approve the Consent Agenda consisting of the December Board Meeting minutes and payment of bills. The motion passed 7-0.*

### 4. **TREASURER'S FINANCIAL REPORT**

**Tom Atkins presented the December Treasurer's Report**

#### Contents:

- Balance Sheet
- Profit & Loss
- Check Register
- Budget Analysis

#### Information Items:

Bank Account Balances as of December:

Bank of Lee's Summit-Check	\$ 44,924.85
Bank of Lee's Summit Sweep Acct.	\$ 317,309.53

#### These include reserves for:

Operations	\$ 100,000.00
Dock Self Insurance	\$ 30,000.00
Siltation	\$ 109,371.00

Expenses for December:	\$ 70,618.40
Long Term Debt:	\$ 187,582.68
Outstanding Dues/Fines a/o 12/31/05:	\$ 94,783.80

Income during December:

Dues	\$ 44,122.64
Other Income	\$ 4,210.91

This includes: Interest, Clubhouse Rental, Shoreline Ads and Fines.

Tom Atkins stated the new Sweep Account is currently earning 3.688%.

Brian mentioned the Outstanding Dues/Fines seems extremely high. Rachelle explained, a lot of residents have not yet paid their fourth quarter dues, which were due by December 31<sup>st</sup>. These late dues payments should be coming in, in the next two weeks.

Tom Tucek mentioned he noticed that we are only making deposits twice a month, on the 15<sup>th</sup> and 30<sup>th</sup>. He suggested we make deposits weekly to gain more interest.

Brian asked for the financial report to be filed for audit.

## **5. BOARD ANNOUNCEMENTS:**

- A. Development by the Raintree Dam.** The Raintree Lake Development Corp. and Foxridge LLC have proposed development for the undeveloped land adjacent to the dam. There is going to be a Planning Commission meeting that has been rescheduled for January 24, 2006. Brian stated, San LaPoint, Tony Jose and he will be speaking as well as others at this meeting and we encourage residents that have concerns to also show up at this meeting and express their concerns. There is a petition going around for those properties that are adjacent to this development within 185 feet per Lee's Summit ordinance. We need 30% of the adjacent property owners to sign this petition and this petition must be submitted by February 2, two weeks before the City Council Meeting. Brian also stated the majority of RLPOA Board members will be signing this petition.
- B. Winding Creek Development.** Brian explained this is the proposed development that is located Northwest of 291 and 163<sup>rd</sup> Street. This project is being presented to the Cass County Panning Board on January 24<sup>th</sup>, 2006. This property is in unincorporated Cass County, but the City of Raymore does have an interest in annexing this land. RLPOA has sent Raymore a letter stating that we would support their position on annexing this property. Raymore would have more rules and regulations on keeping the properties at higher standards than unincorporated Cass County. RLPOA's position is and requests that the lots and houses adjacent to Raintree Lake properties be similar in size. RLPOA also has concerns on their drainage and watershed. Brian stated we needing a representative from the Board to speak at the planning meeting. Tony Jose offered to speak at the Cass County Planning Board on January 24<sup>th</sup>, in-lieu of the Lee's Summit Planning Commission meeting. Rachelle Vandiver will take Tony Jose place at the Lee's Summit meeting.
- C. Metro Calling Plan.** The Missouri Public Service Commission is working with SBC ( now AT&T) to change the residents with a prefix of 537, from a Tier 3 to a Tier 2. Residents with a 537 telephone prefix may pay \$6.14 less but residents with a 623 prefix may be paying more. This information was published in the Lee's Summit Journal on January 13<sup>th</sup>. Thanks to Representative Bob Johnson who was instrumental in getting this new plan passed. This new plan has been approved but has not yet been put in place. Tom Tucek mentioned the Board should pass a resolution to thank Bob Johnson for all of the work he has done on this project. He requested for RLPOA to send a letter thanking Bob Johnson.
- D. February Board Meeting Date Changed.** The February Board Meeting falls on Valentine's Day this year. Brian announced the Board meeting has been changed to February 7<sup>th</sup> in-lieu of 14<sup>th</sup> so as to not conflict with Valentine's Day.

## 6. OLD BUSINESS

A. **Legal.** Brian Whitley read the Legal Report from Joe Willerth.

1. **Lou-Air and Raintree v. MODOT and James Cape & Sons.** At the status conference before Judge Scoville on January 13, 2006, the attorney for Lou-Air indicated he would request the court lift the automatic bankruptcy stay to permit Lou-Air and Raintree to proceed against the insurer for Cape & Sons as well as the Missouri Highway Transportation Department. The attorney for Lou-Air indicated once that motion is sustained he would make demand on the two defendants to mediate the matter, and if not agreed to, then request the court order mediation. The Court reset the matter for another status conference on Friday, May 26, 2006 at 9:00 a.m., at which time Joe would imagine the court will set the matter for trial if not resolved by mediation. Brian further stated this concern regards the Duck Pond that was allegedly filled with silt by MODOT's contractor James Cape & Sons during the M-291 construction.

2. **Boat Ramp Status.** On Thursday, January 12, 2006, Joe Contacted Mr. Gosserand, the attorney for the North Shore Development, who indicated his clients would have the easement area restaked so that the parties would understand the exact location of the proposed sprinkler system for the North Shore Parcel. Brian stated Rachelle had noticed the contractor hired by North Shore was installing irrigation lines fairly close to the North Boat ramp boundaries and parking area. Rachelle called them to address the situation. It was requested under the terms of the Non-Exclusive Easement Agreement the Board should notify the Title owner if there would be any plans to improve or expand the pavement around the parking area.

B. **Advanced Decks – Daren Bormann.** Daren Bormann from Advanced Decks presented to the Board and Residents different materials that could be used for the deck reconstruction project. Daren presented, Aluminum, Trex or PVC Composite and Wood materials. Brian explained to the residents the plans and details of the deck reconstruction and expansion project. Tom Tucek stated the engineering designs should be completed around mid February with construction to begin in March.

C. **Front End Loader Repair/Replacement.** Rachelle Vandiver stated that during the clutch repair made last summer, the mechanic mentioned our engine had been dusted. She explained that the engine had been damaged due to holes in the air cleaner, which allowed dust to enter and score the cylinder walls. The price to rebuild this engine would be \$2,500 to \$3,000.

*Tony Jose moved to approve up to \$3,000 to repair the front-end loader. Tim Nydegger seconded the motion. Brian asked for any discussion. With no further discussion Brian asked for the vote. The motion passed 7-0.*

Tom Tucek stated, "We need to implement a planned maintenance program for RLPOA's equipment".

**D. Single/Double Boat Slip Wells & Placement.** Brian presented the Lake Committee's recommendation as stated in their January 2, 2006 meeting minutes. The Lake Committee recommended keeping docks within existing buoys with the majority (14) at the end of the existing public docks south of the Clubhouse and put the rest (10) in Normandy Cove. The Lake Committee opposed the use of single well docks, to maintain current lake standard for double docks as we have now. Brian also stated members of the Boat Dock Sub Committee Task Force, Tim Nydegger and Tom Atkins have been exploring and found benefits for single well boat slips. Brian mentioned that Ed Gross who is absent tonight is opposed to putting any additional boat slips in Normandy Cove. We did receive some letters from residents stating that they would not mind some additional slips in Normandy Cove but did not want the parking lot and Marina. Brian also mentioned there are 10 people at Normandy Cove who are on the Boat Slip Waiting List. Rich Richardson recommended voting on the location of new slips tonight. Bob Orr asked to delay this issue because he is not familiar with what the differences is between a single well and double well boat dock to make an informed decision. Tim Nydegger recommended relocating the existing swim dock adjacent to the Clubhouse to another location for security and safety reasons.

*Tony Jose made a motion to follow the Lake Committee's recommendation of placing double well docks using 2" x 3/16" galvanized steel angle construction. Docks to be located with 14 slips South of the Clubhouse and 10 slips at the North end of Normandy Cove. Cheryl Fritts seconded the motion.*

Brian opened the floor for any resident's discussion: Dan Kropp 406 S.W. Seaside Sparrow stated that he liked the idea of keeping all the docks looking the same and keeping with uniformity. Charley Sandman thanked Tony Jose for sticking with the Lake Committee's recommendation.

Brian opened for discussion from the Board. With no further discussion from the Board, Brian asked for a vote.

*Tom Tucek amended the motion to change the 2" x 3/16" galvanized steel angle, to the recommended specifications developed by the Lake Committee.*

*After several discussions Brian asked for the vote on the amended motion. The amended motion failed 2-5. For: Tom Tucek and Tony Jose. Opposed: Tim Nydegger, Tom Atkins, David Mac Queen, Cheryl Fritts and Bob Orr.*

*Bob Orr amended Tony Jose's first motion, to strike out the 2" x 3/16" galvanized steel angle construction. Tom Tucek seconded Bob's amended motion. Brian asked for the vote. The motion passed 7-0.*

*Brian asked for a vote on the original motion that has been amended: A motion to follow the Lake Committee's recommendation of placing double well docks. Docks to be located with 14 slips South of the Clubhouse and 10 slips at the North end of Normandy Cove. The original motion passed 7-0.*

Brian stated to have Tim Nydegger and Tom Atkins work with the Lake Committee to provide the specifications for the new docks.

It was decided to work out the financing of the new boat docks at the next work session.

## 7. NEW BUSINESS

**A. David Dawson – Appeal codes fine.** David Dawson was not present. He requested a continuance, due to having to leave town, for work. Brian presented the ARB violation and the rules of the association. Article VII, Section 3, (RLPOA Covenants). Installation of new roof w/o ARB approval is a \$200 fine. After discussion there was no action taken.

**B. Appreciation Dinner February 18<sup>th</sup>.** The Appreciation Dinner will be at the Arrowhead Yacht Club.

*Tom Tucek moved to approve up to \$4,000 for the Annual Dinner February 18, 2006. Tim Nydegger seconded the motion. Brian asked for the vote. Motion passed 7-0.*

**C. Trash Service Price Quotes.** Charley Sandman presented to the Board his recommendation to contract with Summit Disposal. Charley stated there have been some problems with the present trash service company. Proposals were obtained from Allied Waste BFI, Deffenbaugh Industries and Summit Disposal Inc.

*Tom Tucek moved to accept the Summit Disposal proposal and contract. Cheryl Fritts seconded the motion. Brian asked for the vote. The motion passed 6-0-1. For: Tom Tucek, Cheryl Fritts, Tim Nydegger, Bob Orr, Tony Jose, and Tom Atkins. Opposed: none, Abstained: David Mac Queen.*

**D. Limited Proxy for Annual Meeting.** Brian Whitley presented the proposed limited proxy option and read the rules for using proxies. “At all meetings of members, each member may vote in person or proxy.” Brian also stated the current proxy is still valid. The proposed additional limited proxy option is similar to the limited boat slip proxy (absentee ballot feel). It is limited in that the resident directs selection and proxy is not open-ended. The hope is for a potential increased number of residents voting, because it is geared toward residents who wish to vote but:

- Do not want to give their proxy away.
- Cannot attend the meeting.
- Do not like the current proxy set-up.

*Tom Atkins moved to approve the limited proxy option, including candidates/questions on record as of February 15, in addition to the current proxy for the 2006 Annual Meeting. The limited proxy would be published in the March Shoreline. Residents will be given notice in the February Shoreline to “file” by February 15 to have their names/bios in the Shoreline. Tim Nydegger seconded the motion.*

*Brian asked for the vote. Motion passed 4-3-1. For: Tom Atkins, Tim Nydegger and Cheryl Fritts. Opposed: David Mac Queen, Bob Orr, and Tom Tucek. Abstained: Tony Jose. Brian Whitley voted in favor, breaking the tie.*

**E. Tree Removal Proposals.** Brian presented the three proposals to remove 61 trees that have Pine Wilt disease. The budget for 2006 is \$22,500.

*Tom Tucek moved to approve All About Trees LLC's proposal up to \$6,710. Tony Jose seconded the motion. Brian asked for the vote. The motion passed 7-0.*

**F. Pavestone for retaining wall \$1,400.**

Tom Tucek moved to table this issue because more information is needed.

**8. Adjournment.**

*Tom Atkins moved to adjourn. Tom Tucek seconded. Brian asked for the vote. The motion passed 7-0.*

## LEE'S SUMMIT PLANNING COMMISSION

Minutes of Tuesday, January 24, 2006

The Tuesday, January 24, 2006, Lee's Summit Planning Commission was called to order by Vice Chair Christopher, at 6:05 p.m., at Arnold Hall, 123 SE 3rd Street.

### OPENING ROLL CALL:

Chairperson Trainer	Absent	Mr. Christopher	Present
Ms. Rosenquist	Present	( <i>Acting Chair</i> )	
Mr. Reece	Absent	Ms. Funk	Present
( <i>entered at 6:35 p.m.</i> )	)	Mr. Pycior	Present
Mr. Atcheson	Present	Mr. Gray	Present
Mr. Fristoe	Absent		

Also present were Linda Tyrrel, Deputy Director, Planning and Development Department; Tom Scannell, Current Planning Division Manager; Hector Soto, Staff Planner; Rich Wood, Deputy City Attorney; Kent Monter, Development Engineering Manager, Jeff McKerrow, City Traffic Engineer, Pam Fortun, Staff Engineer; Keith Martin, Assistant Fire Chief; and Kim Brennan, Administrative Secretary.

### APPROVAL OF AGENDA:

Vice Chair Christopher asked if there were additions or corrections to the agenda. There were none. On motion of Mr. Atcheson, seconded by Ms. Rosenquist, the Planning Commission members voted unanimously by voice vote to **APPROVE** the agenda.

#### 1. APPROVAL OF CONSENT AGENDA

- A. **Application #2005-378 – FINAL PLAT** – Kensington Farm, 5<sup>th</sup> Plat, Tracts A-5 through F-5; Pulte Homes of Greater KC, applicant
- B. **Application #2005-398 – FINAL PLAT** – Legacy Wood, 2<sup>nd</sup> Plat, Lots 40-69; Wood Family Development, Inc., applicant
- C. **Minutes** of the December 13, 2005 Planning Commission meeting

Vice Chair Christopher called for a motion to approve the Consent Agenda.

On motion of Ms. Rosenquist, seconded by Mr. Gray, the Planning Commission voted by voice vote of five "yes" and one "abstain" (Vice Chair Christopher to **APPROVE** Consent Agenda Items 1A through 1C.

<b>2. Public Hearing: Continued Application #2005-306 – 2005 COMPREHENSIVE PLAN TEXT AMENDMENT</b> – providing for new estate lot land use classification; City of Lee's Summit, applicant
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Vice Chair Christopher opened the hearing at 6:08 p.m. and announced that Application 2005-306 was continued to February 28, 2005 at staff's request. He then closed the meeting.



(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

**3. Public Hearing - Continued Application #2005-281 - REZONING** from AG to R-1, east side of Pryor, 1/4 mile north of Hook Road (proposed Whispering Woods); Brookside Investments, Inc., applicant

Vice Chair Christopher opened the hearing at 6:08 p.m. and announced that Application 2005-281 was continued to March 14, 2005 at the applicant's request. He then closed the meeting.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

**4. Public Hearing - Continued Application #2005-301 – VACATION OF RIGHT-OF-WAY –** portion of Rice Road ROW north of Deerbrook, east of M-291; Meyer Brothers Bldg. Co., applicant

Vice Chair Christopher opened the hearing at 6:08 p.m. and announced that Application 2005-301 was continued to February 28, 2005 at staff's request. He then closed the meeting.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

**6. Continued Application #2005-282 - PRELIMINARY PLAT –** Whispering Woods, Lots 1-202 and Tracts A-G; Brookside Investments, Inc., applicant

Vice Chair Christopher opened the hearing at 6:09 p.m. and announced that Application 2005-282 was continued to March 14, 2006 at the applicant's request.

**5. Continued Application #2005-343 – REZONING** from CP-2 and R-1 to PMIX and **#2005-344 – PRELIMINARY DEVELOPMENT PLAN -** Raintree Lake PMIX Development, SE corner of Raintree Drive & Raintree Pkwy; Raintree Lake Dev., applicant

Vice Chair Christopher opened the hearing at 6:10 p.m. and asked those wishing to speak, or provide testimony, to stand and be sworn in by the court reporter.

Mr. Ira Roberts gave his office address as 937 SW Raintree Drive. The main developer at Raintree Lake, he introduced Mr. Scott Michie and Terry Parsons of Bucher, Willis and Ratcliff. He then described the particular challenges with the subject property: the lay of the land, the location below the dam, multiple easements and the changing environment of the M-150 highway corridor. The developers had done a design charrette with 90 residents from Raintree plus a few from Winnebago, and had spent well over a year putting all the information together.

Started in the early 1970s by Mr. Roberts' father, Raintree Lake was a master-planned community. The original idea was for 40% single-family homes, 30% multi-family residential and 30% commercial development. Since that time, many changes had come about and the master plan adjusted. Among those changes was the recent M-291 widening and the rerouting of Raintree Drive as the outer road to M-150. After a previous, unsuccessful rezoning application on the Winward Glen project, the applicants had contacted over 100 different

commercial companies about commercial development on this property, which was the current zoning. Other than a few specialty shops they had received all “no” answers, because it was (1) within a residential area, (2) too far off the main roads and (3) generally not a good location for a commercial business. They had then done some research on what might fit in this location, first looking at the Comprehensive Plan. They had agreed that the highest and best use was low-density residential mixed with a commercial use. Mr. Roberts remarked that with the large baby-boomer group reaching retirement or “empty nest” life stage, the market for maintenance-provided, “lock-and-leave” housing was expanding. Raintree already had some villa development, specifically the Raintree Lake Villas and Cobblestone fourplexes along Raintree Drive. They wanted to add some high-end, Mediterranean-style homes facing the lake. They had added boat storage below the dam, which would be affordable and help with the deed restrictions and covenants.

Mr. Scott Michie with Bucher, Willis and Ratliff Corp. gave his business address as 903 E. 104th Street in Kansas City. He displayed Power Point slides of the project. On February 19, 2005 the applicants had spent a Saturday working with the Raintree Lake Property Owners Association (RLPOA) and residents. They had looked at options for working effectively with the subject property and for addressing the interests of homeowners. They had about 50 participants in the morning, and 45 in the afternoon. They had looked at development options including densities, and looked at some of the surveys done about services requested of the RLPOA. Those services included walking trails, storage facilities and other amenities. Mr. Michie displayed photos looking down from Raintree Parkway at the spillway and north and back at the spillway

The developers wanted to preserve green space; and were using 18.2 acres (38 percent) of the usable 48 acres would be left as open space. This was well above the minimum 10% required for PMIX zoning. Mr. Michie displayed slides showing the lake, dam, open space and spillway to the east of the dam. He also pointed out the locations of Raintree Parkway and Raintree Drive to the east, remarking that the access to the site had changed with the road realignments.

Mr. Michie also pointed out the single-family residential development at the north and the linear parks and walkways along the open spaces. Mr. Michie pointed out the single-family attached residential and fourplex attached villas as well as boat storage and other storage facilities in the center. The development would be divided into five tracts, with Tract A being single-family detached residential and villas. The average density was 3.6 units per acre, meeting the City's definition of low-density residential. The plan would have 1,000 linear feet of walking trails and a 16-foot landscape buffer and common open space for the arterial roads in the area. Tract B was for both boat storage and personal storage.. It would provide 121,000 square feet on two acres; and would have a low-impact screen on the residential side. The applicants would be working with Fire to assure secondary access to this area on the east side as well as to the pump station.

Tract C would be for low-density attached villas, with a density of 3.9 units per acre and 450 linear feet of walking trails looking out to the spillway. Tract D would have about 50 units, with 2.84 units per acre and 2,500 feet of walking trail with 6.7 acres of open space. Tract E, the only portion on the west side of Raintree Lake Parkway, overlooked the lake and would have 7 single-family units, for a density of 2.3 per acre. The densities ranged from 2.3 to 3.9 units per acre, all less than the required four units per acre.

Mr. Michie then displayed slides of the housing units: single-family, two-family attached and villas. They were the same design and density as the Cobblestone fourplex units already in

Raintree. Other slides showed building elevations of the boat and personal storage units. Existing densities ranged from 3.4 units per acre for all the current development, with individual densities as 6.5 per acre for 42 villa lots. Mr. Michie concluded that the development proposed was in compliance with the City's development standards, preserved open space and incorporated amenities that the RLPOA had asked for including walking trails and boat storage.

Mr. Terry Parsons, a civil engineer with Bucher, Willis and Ratliff Corp., stated that he had worked on the preliminary development plan. He first mentioned development below the dam as an issue. The engineers had contacted Mr. James Alexander at the Missouri Department of Natural Resources [MDNR] about development below dams. Mr. Alexander had responded that as this was a Class I dam, development below it was acceptable if it was approved by the local jurisdiction. Mr. Parsons had already talked with Ms. Fortun about it, and had not discovered anything in Lee's Summit's ordinances prohibiting it.

The floodplain delineation was the second concern. Mr. Parson's handed out a letter sent to the City about differences in floodplain mapping along the county line, listing several maps. The Lee's Summit map showed no floodplain between the dam and the County line. The Cass County map did show a floodplain in the subject area, designated as a "Zone A" floodplain. There was no FIS study to indicate a set elevation for that floodplain, however. On the western end of the map of Lake Winnebago was a floodplain designation "Zone A3", which was a 922 elevation. The applicants were using that elevation for their floodplain level on the west side of M-291. A survey done in 2003 indicated that this 922 elevation was accepted by the City. All the buildings were set for an elevation of 924.5.

Mr. Parsons then addressed erosion control on the site. They had looked into both temporary (during construction) and permanent controls. For construction, they were doubling their erosion control measures at any location upstream from the lake, utilizing dual silt fences, straw bales and other devices. That included silt basins at all the proposed outfalls to prevent silt from getting into Lake Winnebago. Concerning permanent erosion control, they were installing swales for the outfalls from the storage facility and along the back yards of the single-family units. The intent was to increase water quality, with the vegetative channels treating the water before it entered Winnebago.

*(Mr. Reece entered, at 6:35 p.m.)*

Mr. Michie stated that another participant, Mr. Dan Whitney, had not arrived. He asked that Mr. Whitney be able to speak about property values, and Vice Chair Christopher stated that he would have an opportunity after staff and public comments.

Following this presentation, Vice Chair Christopher asked for staff comments.

Mr. Soto entered Exhibit (A), list of exhibits 1-34 into the record. He stated that the development was about 61 acres, with 150 dwelling units and the proposed 121,000-square-foot mini warehouse facility. The rezoning was from the existing CP-2 and R-1 to PMIX. It had been primarily CP-2; however, since the access of Raintree Drive to M-291 had been closed, it was less suitable for that use.

Mr. Soto addressed the compatibility of different project components. Tracts "A" and "E" had the lowest densities in terms of types of residential structures. These were on the north and south end of the spillway respectively, on the west side of Raintree Parkway. Those were the parts that abutted existing subdivisions, namely North Shore at Raintree and the Duck Pond on the north and Raintree Lake Estates on the southwest. It was in these areas where the single-

family products were. The four unit, attached single-family buildings were located on either side of the spillway with no other adjacent residential developments, and the overall density of the project was consistently less than 4.0 units per acre. Staff saw this arrangement as providing a good buffer.

Because of the warehouse facility's location, staff also saw that as a buffer area. It was substantially below street level, and had no direct street frontage on Raintree Parkway; and so would have less visual impact on the development. Staff's Recommendation Items included specified materials to be used to make the warehouse facility more compatible visually [Item 3]. Normally, this type of facility would be in an industrial area; but in this case the recommended materials would more likely be seen in standard residential development. That was to lessen the visual impact on the surrounding area.

Following Mr. Soto's comments, Vice Chair Christopher asked if there was anyone else present wishing to give testimony, either for or in opposition to the application.

Mr. Brian Whitley, president and chairman of the Board of Directors of the RLPOA, stated that he was speaking for a group. Also present were Ms. Rachelle Vandiver, general manager for the RLPOA, Mr. Sam Lapointe, chairman of the Lake Committee and Tyna Garch, a licensed real estate appraisal. Cass County had a Planning Board meeting at the same time as the Planning Commission, so many Raintree residents had to be there.

Mr. Whitley displayed a Power Point slide used to compare the plan shown to residents at the charette on February with the current plan. The first plan showed amenities such as boat parking, slip docks, shelter houses, soccer fields, tennis courts and boat ramp. There were no residential structures in this part, but a footprint for a clubhouse had been shown, and a green area. Part of the spillway area was shown on one of the Raintree maps as common area for the RLPOA. However, the spillway erosion in that area would affect Raintree Parkway in a few years and become a city concern. Mr. Whitley remarked that he was not sure if the changes were 'retribution' against the RLPOA for expressing the concerns in letters that were enclosed in the packets. He assured the Commission that the RLPOA did not intend to "ambush" the developers. All the concerns that would be raised this evening dated to at least February 19th.

Mr. Whitley pointed out that there was a new State ordinance on developing common areas, specifically dealing with who would be responsible for them. An entity to maintain the area had to be in place to assume possession of it. Under Article 5, Section of 3 of Raintree Lake covenants, "*the common area must be in a state or condition that the declarant [applicant or developer] and Association can agree upon.*" Slides following showed common areas that the applicant had provided to the Association that had been deemed complete and acceptable.

Mr. Whitley gave a summary of the timeline. On June 22, 2004 the Planning Commission had voted for denial on Winward Glen, a fourplex rezoning application. That plan was for 9.6 units per acre, substantially denser than tonight's plan. The Association had supported the Planning Commission regarding single-family development for the area. On February 19th, the charette was held. On March 24th, the applicant made a presentation to the RLPOA's membership at the annual meeting. The renderings at that time showed all the amenities, which made the membership more accepting of the higher density; however, there was now substantially more density in the plan and fewer amenities. On May 10th, the RLPOA presented its concerns to the membership.

Mr. Whitley displayed slides of Tracts A-E, and commented on the consensus of the residents. They liked the upscale villa concept. Again, Mr. Whitley pointed out the footprint for a clubhouse, soccer fields, tennis court and boat and trailer parking, which were not now on the plan. In the south portion, mostly unchanged, the villas with green spaces were the most preferred option by the residents. That created a concern about storage facilities, as most duplexes and fourplexes had garages. Residents had considered "low density housing" to be duplexes or single-family units, not fourplex or sixplex units; and they did not want townhomes.

Mr. Whitley stated that in the various letters between the RLPOA and applicant, there had been a refusal to address the Association's concerns. He speculated that they were deemed too numerous or targeted. However, the Association's chief concern was dam integrity, safety and maintenance. They asked that the Commission not allow homes or structures in harm's way. As he understood it, a "Class 1" dam had a maximum impact of casualties and destruction in a failure. The regional Natural Hazard Mitigation Plan of the Mid-America Regional Council, as well as Lee's Summit Resolution 2004-014, was to protect life and property and reduce the risk associated with dam failures and discouraged development in the vicinity of dam inundation zones. The RLPOA asked that the Planning Commission protect the Raintree dam, and either allow no blasting or have a bonded expert to supervise.

Regarding the grading plan, some new information had come out that the RLPOA had reviewed but the RLPOA had not had a chance to look at. They asked that there be no construction fill on or directly adjacent to the dam on RLPOA property; and that no utility lines were on RLPOA dam property. It was important to Raintree, as well as its Lake Winnebago neighbor, to maintain the dam's integrity. In addition to the refusal to address RLPOA concerns relating to maintenance, there was the inability for RLPOA to access the shoreline. There was some dispute now about the occupant maintaining the shoreline and possibly the spillway area. Mr. Whitley remarked that the latter was in need of repair. He stated that removing the emergency ramp at Tract E in particular was a concern. While it was the applicant's property, the emergency ramp was needed in the event of an accident on the north boat ramp or a storm creating a need to evacuate the lake quickly and it should not be removed.

The RLPOA would have no access to 10 acres of common area on the east side. That east parcel was 50 to 75 feet away from the other land and had no bridge to connect it. The only access was really from M-291, and so the owners of that Tract would literally have to cross the channel to have any other access. The applicant had presented no information to the RLPOA about maintaining the fourplexes or common area, other than discussions about it being similar to Cobblestone. However, what made Cobblestone unique was that it had a sub-homes association that maintained the area.

Generally, the RLPOA felt that structures below the dam were likely to increase the liability insurance rates. Their covenants dictated that no new buildings be constructed below 962 feet, and some of those proposed were 922 feet. He added that FEMA was revising its guidelines to 937 feet in this area.

Maintaining the property values near the pumping station was another issue. That pumping station would be right in the middle of the proposed development, in the "saucer" below the dam. Residents on Raintree Parkway already complained about odor problems, and residents living right next to it would certainly have worse problems. The effect on schools and property of multifamily development was another concern.



Mr. Whitley named two UDO provisions that he considered applicable to his presentation. Under Article 5, "Zoning Districts", the proposed maintenance and ownership agreements were to be explained in detail. The open space must be "*usable and suitable for the occupants of the development*", which raised the question of how occupants would cross the channel to get into the ten acres of common area in Tract E. The RLPOA had never been provided a detailed scale plan clearly showing the areas to be turned over to them, nor had they seen access to those areas. There might be a sub-association created for that part of Raintree; however, the RLPOA had not received any information on that either. The UDO Article 10, "Special Use Permits," also indicated that the storage facility should be owned and leased by the users and Association. It was not owned by the RLPOA and if the applicant provided it, they would have to be an entity using it, or perhaps be an employee- or user-owned situation. In any event, the RLPOA did not have ownership of the land and they understood from discussions with their attorney that this was a major point with both enclosed and open storage space.

Mr. Whitley then addressed some adjacency compatibility issues. The application they had seen allowed for less density than the fourplexes and sixplexes presented this evening. Regarding compatibility for single-family residential, the character was essentially different from the existing Raintree community's character. The density mentioned of 3.63 was significantly higher than the average densities nearby of 2.65 for existing development and 1.81 for Winding Creek Estates. The latter was before the Cass County Planning Board this evening.

Item 3 of the City's rezoning criteria included the consideration of "*the extent to which the proposed use facilitates the adequate provision of transportation, water and sewage*". This issue had been raised by staff regarding walking trails or sidewalk area. The applicant's proposal was for a limestone chip base. Mr. Whitley acknowledged that this was a minor point. Items 6 and 7 mentioned "*the extent to which the proposed use will negatively affect the aesthetics of the property*" and residents had already expressed concerns about that. The 30-foot spaces between buildings was too narrow for moving trailers in and out of the storage areas. Regarding Item 10's mention of "*the extent to which the property will negatively affect property values*", again, residents had expressed concerns about that. That was particularly related to the fourplexes, the general lack of parking and the removal of the emergency access ramp. On June 22, 2004, the Planning Commission had seen the Raintree Parkway and Raintree Drive side as being single-family.

Mr. Whitley stated that the "no amenities" plan presented to the Association had been a "take it or leave it" proposition. Essentially, if the RLPOA went along they would get the amenities and if they were not on board with the developer, it would be the no-amenities plan. The latter was at that somewhat better than what was being presented tonight in terms of where residential units were.

Ms. Rachele Vandiver of 963 NE Devon Drive spoke on behalf of Mr. Edward Gross of the Raintree Lake Board of Directors. She first mentioned the recent dam failure at Lesterville, Missouri. A 600-foot breach occurred in a 12-minute period, resulting in a 20-foot wall of water and over a billion gallons of water rushing downstream. Family members in a caretaker's house were injured, and the house was washed away. Dams did fail, some in a fairly short period of time, and death and destruction could be a result. Ms. Vandiver had material on the risks and hazards of dam failure that she asked the Commission to review before making a final decision. Raintree dam was built by the applicant's family in 1974, and designed for a volume of over a billion gallons of water. Dams, like other structures, did deteriorate and weaken with age, and when they failed, the result downstream could be catastrophic. The RLPOA believed it was a mistake to build directly downstream of the dam and put both homes and businesses in harm's

wayl, and asked the Commission to thoroughly evaluate the consequences of a dam failure. In accordance with UDO Article 4, "Applications and Procedures," Section 4.060(A1,A2), they requested that they require the applicant to submit a dam breach analysis to determine the area that would be inundated in the event of a dam failure or flood. The analysis and computer modeling should be performed by a professional engineer with at least ten years' specialized experience in performing such studies; and that the computer modeling program be one recommended by FEMA for dam break analysis. The National Dam Safety Act had since delegated much responsibility for inspecting from the Corps of Engineers to the states. However, they were the leading experts in dam safety, and their engineering regulations stated that it was the Corps of Engineers' policy that dams designed, constructed or operated by the Corps would not create a threat of loss of life or property damage.

Ms. Vandiver added that there were numerous examples of failures of even small dams with a small storage capacity resulting in loss of life and heavy property damage. It was essential that design guidelines be geared to safety and take into account the downstream consequences of dam failure. Chapter 16 of the Corps' engineering manual stated that *"when a dam is breached, catastrophic flash flooding occurs as the impounded water escapes through the gap downstream. Usually the response time available is much shorter than for the precipitation runoff floods, so the potential for loss of life and property damage is much greater. Safety designs include studies to a certain area that would be flooded during the designed flood in the event of the dam failure."* On the subject of inundation mapping in the same chapter, the manual stated that *"to evaluate the effects of dam failure, maps should be prepared delineating the area which would be inundated."* In the Dam Safety Act of 2002, FEMA had stated that the purpose of this section was to *"reduce the risks to life and property from dam failures in the United States."*

The Board of Directors believed that one of the best ways of accomplishing these safety goals was not to build in harm's way. The Regional Natural Hazard Mitigation Plan of the Mid-America Regional Council, adopted by the City on November 4, 2004 (Resolution 04-14) listed several dam failure mitigation suggested actions. One of the ideas for implementation listed as medium-to-high priority was to adopt policies, codes and ordinances discouraging development in dam inundation zones. Ms. Vandiver urged the Commissioners to carefully evaluate the consequences of a failure of the Raintree dam, and require the applicants to submit a dam breach analysis determining the area that would be inundated in a dam failure.

Mr. Sam Lapoint of 5035 SW Kingfisher had strong concerns about how blasting in the vicinity of the dam could weaken the structure and worsen the danger of a dam failure. The RLPOA had talked with the Department of Natural Resources [DNR], who were also concerned about blasting in close proximity to the dam and potential detrimental impact. In accordance with Article 4, "Applications and Procedures" Section 4.350D, RLPOA requested that the Commission impose a restriction preventing any blasting during construction. Moreover, the grading plan was unacceptable; showing fill and construction on the downstream face and rock berm. That property was owned by RLPOA, who objected to construction or any fill on their property. The dam's downstream portion contained a rock drainage zone that worked to reduce water pressure and stress buildup in the dam's structure. Capping off this drainage zone with fill could cause the dam to fail via the uplift, or shear. They requested that the grading plan be revised to show no construction or fill on or directly adjacent to these areas or at the dam. Finally, the south portion of the preliminary water and sewer plan showed water lines constructed across the spillway, a building foundation over existing sewer lines, and new sewer lines to be constructed in the core of the dam and in its downstream face. At the same time, there appeared to be little consideration about maintaining the dam's structural integrity; and

much of what was being proposed could weaken it and lead to an eventual and possibly sudden failure. The RLPOA strongly objected to installing any utility lines in the dam's core or its downstream face. They requested that the Commission impose a restriction requiring all utility lines, and connections to existing utility lines, be constructed outside the limits of RLPOA dam property.

Ms. Connie Lerch of 3947 SW Batten Drive was a real estate appraiser licensed in both Missouri and Kansas, as well as a charter member of the Raintree Lake Garden Club. She was also a second-generation Raintree Lake resident. Ms. Lerch recalled when the fourplexes were built on LeMans. They were aesthetically pleasing at that time but had since deteriorated. All homes needed upkeep and updating; and deferred maintenance could be seen throughout this block and other blocks, even including the newer units on Harbor Drive. When originally planned, the homes on LeMans were to be owned and not rented. When properties became rental properties, their owners were less likely to maintain them as well as if they lived in them; and most investors in rental properties did the minimum in maintenance. That appeared to be the case on LeMans. A typical buyer looking for a home would look at the surrounding area the property and when given a choice between a property with no multi-family units nearby and one that did have them, common sense dictated that a buyer would choose the former property. What the market was willing to support for these same two properties was a matter of fact and not perception. She had researched home sales near LeMans and compared them to those that were not; and based on the value of the home there could be up to a 5% adjustment for "external influences." A recent appraisal that she had completed compared a house located at 623 SW Lemans to the subject property, which had no fourplexes nearby. She'd had to adjust her sales comparison analysis to reflect the location of 623 SW Lemans, a \$10,000 difference.

While the proposed area did not directly back to or abut existing single-family homes, if there was any type of external factor that might affect the market appeal of a house, then it had to be stated in an appraisal, per the Uniform Standards of Professional Appraisal Practice. Rule 2 stated that *'an appraiser must clearly and completely report and disclose any extraordinary assumption, hypothetical condition or limiting condition that directly affects the appraisal and indicates impact on value'*. Whenever there was any type of existing or perceived factor that could affect property values, she was legally bound to disclose the information. "External factors" could be of any kind, including odors, noise, large commercial properties, power poles, high-tension wires, motels and other factors.

Ms. Lerch summarized that estimated fair market value of a particular property was based on sales of similar properties in its immediate area, within the past year. Without knowing what future sales would be, an appraiser could not specifically give the ultimate outcome of additional multi-family dwellings, commercial properties and additional traffic, and specifically on homes close to the proposed areas. However, her opinion based on her four years' experience as an appraiser was that some decline in overall value would most likely occur.

Mr. Bob Quick, City Engineer for Lake Winnebago, passed out a statement prepared by the Mayor of Lake Winnebago. Their review of the proposed development showed no adequate signs of water being detained, nor had they seen any stormwater study showing how the development would affect not only Raintree's immediate area but also Lake Winnebago downstream. He definitely expected an increase in the 922-foot floodplain elevation. A number of homes in Lake Winnebago would be in that floodplain, and many others were near it; so even a small increase would cause these houses to flood. Lake Winnebago was working with FEMA, and new homes were built at least a foot above the floodplain as required. They also had to make sure that Lake Winnebago homeowners could maintain their flood insurance. The subject



development would increase that floodplain; and they had no control over that at this point. They were asking the City to make sure that the developer did a complete study and to show adequate detention. Mr. Quick also had concerns about stormwater quality, pollution downstream and siltation. The applicants had stated that they were addressing these aspects; however, he did want to see a study showing how their approach would be effective.

Mr. Dick Sharp, Mayor of Lake Winnebago, stated support of Mr. Quick's position and comments. The flooding and how it would affect the floodplain was Lake Winnebago's major concern and judging from what the engineers had told him to date, there were no studies or backup information about addressing water runoff/detention that were reassuring. They also had no assurance about silt and water quality.

Mr. Mike Collar of 436 South Shore Drive in Lake Winnebago identified himself as president of the Lake Winnebago Home Owners Association [LWHOA]. He emphasized that they had a good relationship with Raintree Lake, and had worked closely with them in the last few years in particular. The City of Lake Winnebago had never received an official letter from the developer about tonight's hearing; however, they had heard from the RLPOA. The LWHOA was also concerned about the water runoff. Mr. Collar covered some of the highlights of the letter that had just been provided. Their protest related to the increased impact that the project would have on both the quality and quantity of stormwater runoff including an increase in silt and pollutants. That would have an impact on both Lake Winnebago's lake and community. The proposed development would increase the amount of stormwater flow into Lake Winnebago by 35% to 85%. Mr. Collar was very doubtful that the plan presented tonight would work; and how their other projects were finished was significant. Some of the homes were within 10 to 30 feet of Lake Winnebago.

Mr. Collar was also somewhat disappointed that the applicants had not taken the initiative to contact the City of Lake Winnebago or discuss any of the project with them. They wanted to be good neighbors with Raintree; however, this project would hurt their own lake and they would have liked both City staff and the applicant to keep Lake Winnebago more informed about what was going on.

Mr. Ken Sharp gave his address 4336 SW Sapelo Drive, at the corner of Raintree Drive and Raintree Parkway. He was within the mandated 185 feet of the proposed project. He first mentioned the sewage issue as a concern, asking if the existing infrastructure would handle all the recent multi-family and other development in the area. Much of the recent development in and around Raintree had been of this type, including The Fountains. He had a general capacity concern, and was not sure of the impact of the recently built holding basins in the area. The odor from the existing Little Blue Valley sewer system was another concern.

Mr. Sharp also brought up traffic as a potential issue. He wondered what were the results of the most current traffic study. Many people attending the new Raintree Church parked on the streets, and 50 new houses were going in at North Shore. The storage facility proposed for the subject application would certainly increase traffic nearby. Other commercial development involving traffic included the Price Chopper, bank, and proposed fast-food businesses. At his corner location, he had counted 6 to 10 vehicles per minute going by, much higher than staff's estimate the last time this project was brought up; and he wanted to see a good recent traffic study for the vicinity. If traffic was not an issue, then there was a question of why the plans included structures with no direct access to Raintree Drive or Raintree Parkway. The City actually required that the backs of these structures faced the street, which was contrary to the existing original design in Raintree. Moreover, Lee's Summit's Comprehensive Plan called for

this area to be single-family residential and he wondered if there had been any kind of demand study. Mr. Sharp also wanted to know what was the vacancy rate in other huge multi-family developments in the area, such as Arborwalk. He asked what rules a developer must follow should the preliminary plans change, if the rezoning was approved, and also what assurance could be given that any changes would be consistent with what was being proposed tonight. They had already seen quite a few changes from the original proposal.

Mr. Gary Herndon of 265 N. Lake Winnebago Drive was a member of the LWHOA. Last February, he had attended the meeting held at Raintree about the project. However, he recalled only one or two mailings after that in terms of meeting with neighbors and dispensing information. Mr. Herndon shared the stated concerns about water runoff. The rapid growth of this part of town for both commercial and residential development had increased the runoff, much of which went through Raintree and down to Lake Winnebago. Regarding the proposed storage facility, he pointed out there was a lot of storage available just north of the proposed development, so there did not appear to be a shortage of storage units.

Mr. Paul Roberts was present, representing Ms. Karen Delaney, president of North Shore Properties at Raintree Lake. He also represented the North Shore Property Owners Association [NSPOA]. North Shore was a 50-lot community in Raintree, with 22 new homes currently under construction, priced at \$340,000-\$750,000. They were agreeable to the residential components of the plan, but had major concerns about the storage facility proposal on Tract B, inconsistent application of UDO standards and landscaping. The former facility would be visible from North Shore, and they were not sure there was really a need for additional storage at Raintree. There was a facility about a half mile from the Raintree entrance, and the manager at that facility had told him today that it was approved for 130,000 square feet of storage space. They currently had 100,000 square feet and had 80% occupancy. It did not appear that the storage facility would be restricted to Raintree residents, either, so increased traffic resulting was a concern. Storage facilities would not blend in well with surroundings and adjacent land uses, and Mr. Roberts considered the highest and best use for the property was low-density residential.

A more specific concern was that according to the UDO, Article 10, storage facilities were special uses requiring a Special Use Permit. The PMIX regulations said that *"approval of any use requiring a Special Use Permit shall be considered as an amendment to the PMIX district"*. It appeared that the application treated this request for an SUP as a regular part of the application; and he did not believe the application complied with the City's UDO standards. Ms. Delaney had purchased two tracts in Raintree: the site of The Duck Pond at Raintree Lake and North Shore at Raintree Lake, and had gone through an extensive set of requirements from both Raintree and the City. Among these requirements was a 25-foot setback on Raintree Drive and Raintree Parkway, and Mr. Roberts wanted the applicant to be held to the same setback standard rather than the 15-foot setback they were proposing.

Regarding landscaping and other aesthetic elements, Mr. Roberts had not seen any formal plans for monumentation. Again, this was something that Ms. Delaney, who had developments nearby including North Shore, had been required to do as were other developers at Raintree. Regarding design standards, he was concerned about how much flexibility the applicant had and what procedures they would have to follow in order to change the preliminary plat. The PMIX designation had specific provisions for open spaces and their control and maintenance, and he shared the other concerns expressed this evening.

Vice Chair Christopher then adjourned the meeting for a break at 7:45 p.m. The meeting re-convened at 7:55 p.m.

Vice Chair Christopher complimented the people who had testified for keeping their remarks relevant and respecting the time limitations. He then asked if the Commission had questions for the applicant or for staff.

Ms. Rosenquist asked to hear the applicant's response to some of the concerns raised in the testimony.

Mr. Terry Parsons, gave his address as 10401 West 69th Street in Shawnee, KS. He first responded to the comments about a Class 1 dam. Class 1 was not a distinction of the type of dam but rather what was downstream. It was a safety rating, to evaluate the impact in the event of failure. Along those lines, this designation dictated what would have to happen. Concerning the spillway, they would have to take rainfall mass into account, and a Class 1 dam had two-year inspections. The reason for the recent dam failure elsewhere in Missouri was an operational error, during which water was being pumped to operate a hydroelectric plant and the pump did not shut off in time. The water had gone past the emergency spillway and over the dam, which was not something that would happen at the Raintree dam.

Concerning the floodplain, Mr. Parsons emphasized that he was looking at the current floodplain maps in use for flood insurance purposes. He acknowledged that there would be additional runoff, as they were increasing the impervious area. He did not think detention was an answer. Raintree had a 12.5-hour time of concentration, meaning when the peak runoff went through the dam, was dumped into the spillway and went downstream. The additional development would have a 15-minute time of concentration. That meant the additional runoff would be through Lake Winnebago long before any storm event upstream from the dam peaked. He estimated the additional elevation from the flow the project would generate to be an approximate .2 inch at Lake Winnebago for a 100-year event.

Mr. Ira Roberts returned to the podium and stated that they had certainly taken the safety of the dam into consideration. His family had built it; and when his father had started Raintree in the early 1970s, he had hired two of the top engineers from the Army Corps of Engineers to oversee the construction, design and all other technical aspects of the dam. While some of the preliminary plans might have shown grading, they would not be doing that regarding any of the dam's structure, nor would they be putting any utilities on it. They would also use over-the-ground swales on both the east and west sides to direct the runoff from the storage area. That would buy some time for some natural filtration before the water entered the lake, and hopefully increase the quality of the runoff leaving the site. He added that people would never be able to stop erosion from happening altogether; but Raintree Lake itself would act as a silt basin for Winnebago and would help detain any silt coming from Arborwalk, the Pulte Homes project and other development upstream in the watershed. That represented about half the watershed affecting Lake Winnebago. Mr. Roberts then addressed some specific concerns brought up.

They had spent considerable time trying to negotiate and work with the RLPOA; and he had served on the Board of Directors from April 2000 to March 2004. In May of 2004, he initiated a meeting with the RLPOA to discuss such future issues as the siltation basins, future clubhouse and future amenities. That had involved meetings, phone calls and individual conversations throughout the summer. He had proceeded with a development plan after the RLPOA's feedback that they were not interested in purchasing land or doing the long-range amenities. During his tenure on the Board, three of these five parcels were available for public sale; so they had a chance to purchase the land and did not do so. He had again met with them in October 2004 and again in December, as they got into design criteria, and then did the design charette

in February 2005. The applicants had also met with the RLPOA regarding storage, and gave them the first option of owning and managing that area. Their response was that they saw this as a conflict of interest, although they saw a need for storage for Raintree, and it was on their long-range plan. They did not at that time say anything about not wanting storage or not wanting anything below the dam.

Later Mr. Roberts had asked the RLPOA if they wanted to have Tract C for future amenities. They had shown an interest in putting a clubhouse there, and had a total 32 items on their long-range list. Of these, 13 pertained to land and amenities and the applicant had addressed 8 of their 13 concerns about amenities. At another meeting with the RLPOA in May, a subcommittee listed only three items of concern; but a letter he'd received from them on April 29th had a number of requests related to business rather than development items. He was told to negotiate with the residents; but had already done so via the design charette.

Mr. Roberts continued that he had contracted with an engineering firm for a construction impact study. In the course of building their utility lines and putting in other things, that would be a guideline to help them avoid doing anything negatively impacting the dam. He told Vice Chair Christopher that it would be another week or so before the study was available.

Vice Chair Christopher asked Mr. Roberts if he had any comments related to items such as grading plan, this being a Class 1 dam, and structural integrity, and the comments that some utilities were being run through the dam's core. Mr. Roberts replied that they had no plans for utilities going through the core of the dam, although there was an existing water line below it. All the grading would be outside of that area; so they would not be affecting the dam structure in any way. Concerning the ownership, they would create a new HOA to oversee the exterior maintenance and common areas, so that would not be the concern of the RLPOA.

Regarding the 962-foot elevation, that was part of the original deed restriction and covenants. The developer/declarant had the right in these to make supplemental declarations; and the 962 figure represented one foot above the 100-year floodplain for upstream of Raintree Lake. For downstream of it, they would put in supplemental declarations that would make it two feet above the 100-year floodplain.

Mr. Dan Whitney, after being sworn in, gave his address as 7301 W. 129th in Overland Park, KS. Addressing the comments about devaluation of property in a master-planned community that emphasized amenities, he stated that he had compared Raintree property values to other good examples of that around the metro area, including Lakewood and Oaks Ridge. These had a broad range of product and price ranges, and had maintained a healthy marketability. Other developments used for comparison were Lion's Gate, Shoal Creek Valley and New Longview. The success of these kinds of large master-planned developments depended on multi-generational housing; that is, having a life span beyond the core group of single-family homes at the beginning. He considered that Raintree Lake had a very strong core group of that type; but it had become very stagnant in its marketability with a lack of new activity in sales, and that had negatively impacted home values. That had changed when alternative products were introduced, such as the villas and attached homes. He considered that this plan was a continuation of that, although with a more challenging location. The subject property was a good location for a buffer from the highway, as well as a needed segment in the housing profile.

Mr. Scott Michie stated that a traffic impact study was in the Commissioners' packets. Its' conclusion was that the plan met all the City's Access Management Codes. Concerning the Comprehensive Plan and its single-family residential designation, the plan actually called for

low-density residential. That was what was being proposed here. The overall density for this project was 3.6 units per acre, within the definition of low-density residential. This was due both to the applicant's wishes and feedback from the public, who had said they did not want to see dense townhouse development.

Vice Chair Christopher asked about the issue of separated or isolated open space that had been brought up. He noted that about half of the open space was separated by water from the rest of the development. Mr. Michie said this was the parcel of land to the east of the storage area. It was not nearly as large as the testimony had suggested. The whole subject area had a total of 18.2 acres of open space and some of this was "passive" open space and some "active" with recreation. The parcel referred to was only 2 acres and was in the "passive" category. There was access to it from the highway to the east; but the applicant did not propose making any kind of improvements to it.

Mr. Roberts returned to the podium and added that they were having a wetland study prepared for the whole site before they did any grading and acquired permits. One option for this land in particular was for it to mitigate other wetland areas, or more likely to make it a decorative landscaped area. As it was difficult to access, they did not propose actual development on it.

Ms. Funk asked for details about a dam breach analysis. Mr. Roberts stated that a "dam breach study" should be performed by the owner of the dam; and Mr. Gross' letter suggested he was knowledgeable and competent. A "construction impact analysis" would determine whether the construction would impact the dam in any way. They did not have any intention of blasting in that area.

Ms. Funk then asked if staff had required a dam breach analysis. Mr. Roberts answered that he had talked with Ms. Dena Mezger, City Engineer, and was not aware of the City requiring such an analysis. Ms. Funk then asked what was the requirement for notification of Lake Winnebago residents, recalling that one person had stated he was within 185 feet and was not notified. Mr. Soto stated that was the required distance for notification. It would apply to Lake Winnebago neighbors as well as Lee's Summit. Mr. Wood confirmed that the 185-foot rule would apply to neighbors outside the city limits.

Ms. Funk then asked if staff had considered requiring a Special Use Permit for the mini-storage facility. She understood and was in agreement with the requirements on materials, but wanted some clarification about it being a special use. Mr. Wood replied that the City had a UDO provision stating that if the Council approved a preliminary development plan containing a use requiring a Special Use Permit, that approval in the case of a PMIX district would be automatic approval of an amendment to PMIX to contain the special use. They would have to define the conditions of that use in the amendment. Mr. Wood confirmed they had done that.

Vice Chair Christopher asked Mr. Soto if there was a landscape plan, and Mr. Soto answered it was provided with the site plan. It was among the reductions in the packets, as well as the Raintree Lake PMIX Development Area Regulations. They also specified what the landscape buffers would be, including a breakdown of requirements for shrubs and shade, ornamental and evergreen trees (pages 4, 10, 11). This part of the development standard was comparable to what was required in the UDO. Landscaping would include buffering along Raintree Drive. Vice Chair Christopher asked how they were dealing with the acreage across the slough just mentioned. Mr. Soto stated that their figures pertained to the overall common area. In response to a question about the size of that area, Mr. Scannell referred the Commission to the drawing of Tract D, which was 3.8 acres.



Mr. Pycior had questions for Ms. Vandiver about her testimony concerning property values; however, Ms. Vandiver had left the meeting.

Ms. Funk asked for some clarification from someone in the audience about whether he had been notified. Mr. Sharp stated that he lived in Raintree, within 185 feet, and he was notified. Mr. Mike Collar of 436 Winnebago Drive came to the podium and clarified that he was the one who had made the comment about not being notified. The only way that the Lake Winnebago Home Owners Association [LWHOA] was notified was via Raintree. They were on the list the applicant was sending letters to, but had not received one.

Vice Chair Christopher asked if there were further questions for applicant or staff. Hearing none, he closed the public hearing at 8:15 p.m. and asked if there was discussion among the Commission members.

Ms. Rosenquist commented that she was not in favor of passing this application tonight, as there was too much information still not available. She wanted a continuance, to give the applicants and the citizens of both Raintree and Lake Winnebago to get all their information together. The dam was an aspect about which the Commission needed much more information. She remembered when Lake Winnebago was being constructed, and at that time there was considerable discussion between Winnebago and the City of Lee's Summit about utilities going under the dam; and she wanted confirmation as to whether that had occurred or not. Some concerns had also come up about flooding consequences if and when Raintree built out to its current significant size. Lake Winnebago had in fact flooded multiple times in the last three decades. She also believed that the project should have a breach study of the dam as well as construction impact information. Although this was a comparatively small dam, there had in fact been a number of dam failures around the country recently, with considerable upheaval in FEMA about it. A breach of even a dam of Raintree's size would certainly affect at least 100 homes downstream, and Ms. Rosenquist wanted to know when the last dam inspection was done. Also, Winnebago did have concerns with the construction being within 10-30 feet of some of their properties.

Ms. Rosenquist also wanted to see resolution of the open space acreage that was being disputed, including its accessibility to Raintree property owners. For the same area, she also wanted to see a wetland study. While it was not the Commission's purview to dictate who would maintain that area, that would be a major issue for the RLPOA should they have to do it and the Commission should have it clear whether maintenance would be the responsibility of Raintree Lake or the developer. Ms. Rosenquist asked staff to provide more detailed information about the Special Use Permit issue in terms of the UDO, as this was a potential precedent for the Commission to set. If the Commission did not agree about the SUP, and depending on the ramifications of putting in a storage facility without an SUP, they might well consider pulling that portion of the site plan.

The idea of Raintree Lake becoming a siltation 'holding area' for Arborwalk and other developments upstream had come up, and she wanted to see that addressed with property owners as well. There generally seemed to be considerable discrepancy between the two homes associations in Raintree and Winnebago vs. what the developer presented at the charette. These were designed to be done and then re-done for information purposes; and she was not sure that process had been completed. Concerning the floodplain and what FEMA required, the Commission needed to hear better clarifications of the numbers. They had looked

at that aspect in detail during the Courchevel application; and in this case they were dealing with an area below a dam.

The Commission had heard very little information from the Missouri Department of Natural Resources or from the Little Blue Sewer District, and that needed to be addressed for this plan as well. Regarding the developer specifically, the applicant had brought a PMIX proposal to the Commission; and other developers who had done so had brought visual materials that could be set up on easels to visually display the dam and areas of concern. As it was, the Commission had reductions sufficiently small that they could not even see the landscaping plan clearly. Finally, in the traffic impact analysis she wanted to see the numbers specific to this development, separated and outlined so that the Commissioners would not have to search for them through the entire study.

Ms. Rosenquist then asked for some direction as to a date certain, if the Commission voted for continuance. Mr. Scannell replied that with the volume of information that would be necessary and in order to give staff and the applicant enough time, the second meeting in February would be a good meeting date. Ms. Rosenquist emphasized that the plan be re-visited with the property owners associations before the next hearing, as that was essentially part of the charette process. Mr. Pycior asked for clarification, and Ms. Rosenquist explained that she wanted the two organizations to get the information before the Commission heard it at public hearing. There needed to be some dialogue, as a number of discrepancies had come up. The Commission had required that of other developers. She generally just wanted to see some evidence of further dialogue.

Vice Chair Christopher then asked for a formal motion.

Ms. Rosenquist made a motion to continue Application 2005-343, Rezoning from CP-2 and R-1 to PMIX and Application 2005-344, Preliminary Development Plan, Raintree Lake PMIX Development, Raintree Lake Development, applicant, subject to staff's letter of January 20, 2006, to include addressing items discussed that had been listed, to a date certain of February 28, 2006. The motion was seconded by Ms. Funk.

Vice Chair Christopher asked if there was any discussion of the motion. Hearing none, he called for a vote.

On motion of Ms. Rosenquist, seconded by Ms. Funk, the Planning Commission members voted unanimously by voice vote to **CONTINUE** Application 2005-343, Rezoning from CP-2 and R-1 to PMIX and Application 2005-344, Preliminary Development Plan, Raintree Lake PMIX Development, Raintree Lake Development, applicant, subject to staff's letter of January 20, 2006, to include addressing items discussed that had been listed, to a date certain of February 28, 2006.

(The foregoing is a digest of the secretary's notes of the public hearing. The transcript may be obtained.)

## **PUBLIC COMMENTS**

There were no further public comments at the meeting.

## **ROUNDTABLE**

Mr. Gray wanted some information on how close Lee's Summit was to buildout. He had heard figures of 75-80% or so; and wondered if it might be part of the Commission's purview to begin to look at where the city was in terms of the Comprehensive Plan and what would be the best uses for the remaining land. He was not necessarily recommending a moratorium on development but at least a critical look at what direction the city was headed. He had been especially concerned about the vote a few weeks ago regarding the Social Service agency and the Butler building and the number of such buildings along I-470. It might be time to make a serious assessment of what they wanted the city to look like and he was not confident they were doing that.

Vice Chair Christopher asked staff if this percentage was accurate. Mr. Scannell answered that excluding the property owned by the LDS Church would give a figure of 8-10% of ground still vacant and able to be developed. The percentage jumped up to about 45% when the LDS property was factored in. He confirmed that without factoring in that property, the percentage of available ground was actually less than the 25% or so that Mr. Gray had just mentioned.

Pertaining to the remark about metal buildings, Vice Chair Christopher asked about the horse stable at the west end of Lee's Summit and Mr. Scannell confirmed that it was within the City limits. When the UDO was adopted, it had essentially done away with the previous I-470 additional controls as they were rolled into the UDO. This particular property was zoned AG and the stable was a permitted use.

Mr. Atcheson asked about the Drivers License Bureau at the site of the former bridal shop; and Mr. Scannell answered that it had not gone through a public process because it was an existing building and all they were doing was change the interior. They were complying with the building code and parking requirements, and had exceeded the UDO requirement regarding minimum amount of parking. Unfortunately, in this case the use made this site much busier than that. Mr. Atcheson commented on the amount of seating inside for people waiting for tags and other service; and this should be an indication of the amount of parking needed. Mr. Scannell replied that this was a somewhat different type of use; and staff had looked at it more as an office use since that was the closest category it would fit into within the UDO. Parking for an office was 4 spaces per 1,000 square feet. If they considered the number of chairs, they might be looking at it as more of a place of assembly. Mr. Atcheson remarked that the approach for restaurant use, with the amount of seating as a factor, might be more accurate.

Mr. Gray asked what process the Commission could use if they did want to do the kind of re-assessment he had mentioned. Mr. Scannell said that was one of the things that Mr. McKay and Mr. Zhan were working on. Mr. McKay had not yet given the City Council a presentation as to where the City currently was; and the Commission would need some direction there. Vice Chair Christopher asked what he was proposing to do; and Mr. Scannell replied that the idea of limiting growth at some point would come up as well as a question of whether Lee's Summit did want to be a city with a population of 175,000 or something less. The question of what size the city should ultimately be was something that Mr. McKay and Mr. Zhan were looking at.

Ms. Rosenquist noted that there were now a number of PMIX developments; and she had some questions about that use in terms of what they had heard tonight. The Commission seemed to have heard that if a PMIX included a special use, such as a mini-warehouse in this case, they would not need an SUP. Mr. Wood answered that in view of the application now being continued a month, he would take another look at that and provide a legal memo. He had read that provision during the break, and his reading was that this was the case. Ms. Rosenquist recalled some discussions about this in CDC meetings; and a number of people did not want



that to occur. It involved the issue of the original owner selling the property, it then being neglected, and the City having no way to either enforce or revoke the use. Mr. Wood answered that he had discussed this issue with staff during the break. When the City issued a Special Use Permit, they were giving approval to a use that could be tracked, revoked or amended. The permit also had a time limit, so the user would have to come back for a renewal with a re-evaluation possible at that time. The purpose of many SUPs, in fact, was to limit the use to a particular period of time. His question about just rolling that into a PMIX use was how the use could be tracked in the future.

Ms. Rosenquist asked if there was any way other than pulling the use from the subject plan to prevent it from happening without a Special Use Permit; or if it could be a recommendation from staff. Mr. Wood said that one approach would be to go back and amend the ordinance to clarify the process. However, the Commission could recommend to the Council that this portion be removed and not approved as part of this specific application. That had occurred recently with another application. Ms. Rosenquist remarked that in this particular case, the application was already before the Commission and it would pertain to the current UDO wording. The Commission had nothing in place at this point to start amending the ordinance, and she wondered if the application would be 'grandfathered'.

Ms. Rosenquist then informed Ms. Brennan that she would be present at the February 28th meeting, as she would be getting back into town on the 27th.

Mr. Reece stated that he knew there had been concerns brought up before in Raintree about developing so close to the dam and pump station.

Mr. Atcheson agreed with the gist of Mr. Gray's statements in terms of setting higher standards about development in that corridor. That might be an issue in updating the Comprehensive Plan. He also asked about Raymore's discussions regarding annexation. Mr. Wood answered that they would now have priority, as they had adopted an ordinance and could go through the process. Lee's Summit could adopt a similar ordinance now; but Raymore would still get priority when they went through the process and would get to finish first. Mr. Atcheson asked whose authority or responsibility that would be, noting that a great deal of retail and commercial could be picked up along the corridors concerned. Vice Chair Christopher noted that Raymore's potential territory included land north of 163rd Street and the commercial areas on M-291.

Mr. Atcheson asked if annexation included a mandate to provide services within a certain period of time, rather than a municipality just annexing something. Mr. Wood said it did, however, "provide services" did not necessarily mean they had to install them. They would not have to provide sewer for an entire large property, for example, although with services like police they might have to expand the force. They could require developers to provide some infrastructure like sewers as they went along. He added that he was not sure if anyone in Lee's Summit had explored the idea of annexation to the south. Vice Chair Christopher recalled it coming up in some public testimony; however, Ms. Rosenquist recalled that being before the last couple of Comprehensive Plans.

Mr. Atcheson recalled an application for a single-family development a few years ago that was on the border between Lee's Summit and Greenwood. It was close to the "back door" for Winnebago. There had been discussion about requiring improvements to be made to the two-lane road involved [Doc Henry Road]; and he did not recall getting any cooperation from Lake Winnebago. They had essentially taken the position that it was not their road and not their problem. It seemed odd to him to now hear them wanting to enjoy benefits of Lee's Summit

ordinances. He wondered if some of this might even be under control of other jurisdictions including State agencies.

Vice Chair Christopher asked about the agenda for the February 14, 2006 meeting. Mr. Scannell said there was one public hearing for Summit Bank, plus three plats at this point. Mr. McKerrow had just told him there would be a meeting on the Thoroughfare Master Plan on the 14th. Mr. McKerrow said this would be a work session. Mr. Soto clarified that the public hearing was for a canopy.

Ms. Funk asked what the quorum situation would be on February 14th. Vice Chair Christopher stated that Chairperson Trainer would not be present at that meeting, and that Ms. Rosenquist might not be present. Vice Chair Christopher was not sure about a quorum; however, there were three public hearings on February 28th. Mr. McKerrow suggested meeting for the work session at 5:30 or even 5:00, adding that it would not be a consultant's presentation. It was more a discussion of the funding and how the City could expand its ten-year road program. Staff wanted some input on that before it went to public meetings.

Vice Chair Christopher suggested having the work session at 5:30 p.m.

Ms. Funk wondered what was the protocol in a situation like tonight, where the Commission looked at an application and could see so many open issues not yet resolved. There seemed to be so many pieces of information missing; and she would have liked to have seen some kind of impact study done with the dam. She asked if, in the case of a hearing that went on so long and did not have enough information, the Commission could continue the hearing and give a general direction to finish negotiations before they took up more of the Commission's time. She had not heard adequate answers but the hearing had still taken a significant amount of time. Mr. Monter remarked that staff got preliminary information about some of the aspects like siltation. However, that might not be enough for the Commission to make a decision. Staff could ask for a certain amount of information in terms of UDO requirements, and for most applications that was sufficient. It was not, however, in applications where there was considerable disagreement. Part of the clarification needed in this kind of application was how accurate some of the citizens' testimony was. The remarks about utilities in the dam was an example. Mr. Reece asked if there were other utilities other than the sewer line underneath the dam and Mr. Monter said there was a water line running along the base. Staff had looked at that and had talked with the MDNR and the Corps of Engineers.

Vice Chair Christopher was also not sure how organized the information was tonight; noting that the testimony sometimes went off onto other issues.

Mr. Pycior remarked that a neighboring development needed to be involved if they were going to make an issue about the impact.

Mr. Reece noted that Mr. Gray's picture had been in the paper when he received a humanitarian award.

## **ADJOURNMENT**

Having no further discussion, Vice Chair Christopher adjourned the meeting at 9:00 p.m.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**JANUARY 26, 2006**  
**WORK SESSION**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A work session of the Raintree Lake Property Owners Association was held on January 26, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tom Atkins, Cheryl Fritts, Tim Nydegger, Tony Jose, Bob Orr, David MacQueen, and Tom Tucek. Rachelle Vandiver also attended. Ed Gross was absent.

**Discussion:**

- 1) Dissolved oxygen meter: Tom Atkins presented some information on purchasing a dissolved oxygen meter to measure levels in the lake and in the Lake Pines waterscape when we turn the aerator on and off. The Board decided this was a good idea and the office would research used meter prices and new meter prices.
- 2) Siltation Barriers: The Board budgeted \$25,000 for siltation barriers, specifically for Hidden Cove to reduce long-term costs incurred by the Association for silt removal. Bob will work with Rachelle on this.
- 3) Mileage: Ed brought up discussion on the mileage rate for employees of the Association. One figure was the charity rate of 18 cents a mile, another was a blend of the charity rate and the IRA rate (40.5 cents), another was the IRS rate. Most agreed with the IRS rate.
- 4) Dock Financing Plan: There was much discussion on the new docks and how they would be financed. It was agreed to require a 25% upfront deposit from the new slip holders and for them to pay the remainder at completion. Brian presented some draft letters to prospective lease holders.
- 5) Swim Dock Placement : The Board discussed whether there was a need to move the clubhouse swim dock based on the new boat slips. The Board will wait and see the exact location of slips (based on water depth and obstacles) before making a decision.
- 6) Lake Violation for non-attendance of safety meetings: The Board discussed whether to double fines for residents not attending safety meetings. This was explored but later dropped.
- 7) Aerobics classes: Dave wanted to bring aerobics classes to the clubhouse in the mornings and evenings and requested \$300 in seed money. Dave will provide more information at the next Board meeting.

8) Solar Panels: A resident requested solar panels on their roof. There are no ARB rules prohibiting this. It was decided to allow the ARB make the decision.

9) Sub-lease form: Brian presented a revised sublease form for the new slip holders.

10)Wood Shingles on ARB Improvement App: Lee's Summit was exploring an ordinance banning wood shingles from homes (ultimately they did not). Rachelle advised the Board they may wish to consider banning wood shingles of the city does.

11)Greenway South Bike Loop: Information was provided on the Greenway South Bike Loop, a proposed Lee's Summit Park and Rec unidirectional loop along Raintree Drive and Raintree Parkway.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
February 7<sup>th</sup>, 2006**

A Board meeting of the Raintree Lake Property Owners Association was held on February 7<sup>th</sup>, 2006 at 7:00PM. Board Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Tim Nydegger, David Mac Queen, Tom Tucek, Bob Orr and Ed Gross. Cheryl Fritts and Rachelle Vandiver were absent.

1. Brian Whitley called the meeting to order at 7:03 PM and announced a quorum for the Board meeting. Brian asked for a motion to approve the meeting Agenda.

*Tom Tucek moved to approve the January Board Meeting Agenda as stated. Tony Jose seconded the motion. Brian asked for a vote: The motion passed 7-0.*

2. **OPEN FORUM**

Brian Whitley announced there would be ten minutes allowed to hear resident's concerns, complaints and questions. Brian asked the residents to please state their name and address before speaking.

**Jan Dake** 4078 SW Normandy Dr., President of the Swim Team requested from the Board \$700 to be used to fund the four up coming events. The money will be used for supplies, equipment, insurance, awards, coaches and etc. Jan stated the swim meets will start at 4:30 pm and should be completed around 11:00pm.

**Penny Wilkenson** at 501 SW Gull Point Court asked if RLPOA could provide an announcement sign at Raintree Drive and Gull Point. Penny also asked what the criteria is for removing the large Pine trees. Brian Whitley stated the Board approved to remove the 52 trees, which had diseases. These trees are being removed to help protect the healthy pine trees.

**Shirley Thompson** 4317 SW Sapelo Dr. stated there are many muskrats in Duck Pond. Brian Whitley mentioned that the Office would talk to Trapper Bob.

3. **CONSENT AGENDA**

Brian Whitley explained the Consent Agenda and added to the Consent Agenda approving \$700 for the Swim Meets. Brian asked for a motion to approve the Consent Agenda?

The Consent Agenda includes:

1. Approval of the January Board Meeting Minute.
2. Approval of payment of bills, (payroll, contracts, etc.)
3. Approval of Clubhouse usage and start up costs of \$300 for Aerobics/Yoga classes.
4. Approval of Boat Slip Sub-lease Agreement
5. Approval of up to \$1,400 for pavestone.
6. Approval of \$700 for the Raintree Ray's swim meets.

*Tom Tucek moved to approve the Consent Agenda. David Mac Queen seconded the motion. Brian asked for a vote to approve the Consent Agenda. The motion passed 7-0.*

#### 4. **TREASURER'S FINANCIAL REPORT** **Tom Atkins presented the February Treasurer's Report**

##### Contents:

Balance Sheet  
Profit & Loss  
Check Register  
Budget Analysis

##### Information Items:

##### Bank Account Balances as of January:

Bank of Lee's Summit-Check	\$ 8,719.25
Bank of Lee's Summit Sweep Acct.	\$ 325,208.39

##### These include reserves for:

Operations	\$ 80,158.00
Dock Self Insurance	\$ 30,000.00
Siltation	\$ 109,371.00

Expenses for January:	\$ 106,234.30
Long Term Debt:	\$ 183,963.43
Outstanding Dues/Fines a/o 12/31/05:	\$ No report

##### Income during January:

Dues	\$ 49,227.55
Other Income Total	\$ 22,075.44

##### Other Income Includes:

Interest	\$ 965.32
Clubhouse Rental	\$ 926.48
Shoreline Ads	\$ 1,946.00
Boat Stickers	\$ 100.00
Mowing	\$ 15.71
Boat Slips	\$ 17,861.93
Resident ID's	\$ 10.00
Fines	\$ 250.00

Shirley Thompson asked whether we charge fines for dues being paid late? Brian Whitley stated we file a lien on the house for severely delinquent dues and eventually take the resident to court for unpaid dues.

Tom Atkins mentioned there are some problems with the "Quick Books Pro" program.

Roland Thibault asked if the books are being audited. Tom Atkins stated the audit is close to being finished.

Brian asked for the financial report to be filed for audit.

## 5. BOARD ANNOUNCEMENTS:

- A. **Development by the Raintree Dam.** The Raintree Lake Development Corp. and Foxridge LLC have proposed development for the undeveloped land adjacent to the dam. There was a Planning Commission meeting held on January 24, 2006. This hearing after much discussion was tabled to February 28<sup>th</sup> 2006. There is a petition going around for those properties that are adjacent to this development within 185 feet per Lee's Summit ordinance.
- B. **Winding Creek Development.** Tony Jose explained this is the proposed development that is located Northwest of 291 and 163<sup>rd</sup> Street. Tony attended the Cass County Panning Board Meeting on January 24<sup>th</sup>, 2006 where this project was presented. The next Planning Board meeting will be held on February 9<sup>th</sup> 2006, 10:30 am at the Cass County Court House. This property is in unincorporated Cass County, but the City of Raymore does have an interest in annexing this land of 80 acres with 145 new homes. Raymore would have more rules and regulations on keeping the properties at higher standards than unincorporated Cass County. RLPOA's position is and requests that the lots and houses adjacent to Raintree Lake properties be similar in size. The 1<sup>st</sup> three phases are ready to go with no additional utilities required. They can only build up to 90 homes with the existing utilities.
- C. **Summit Disposal.** Brian Whitley announced that Summit Disposal would reduce their rates to Raintree Residents to \$10.25 per month with a guaranteed rate for two years. Trash pickup is on Monday mornings. Residents must sign up by filling out the form found in the February Shoreline and have it turned into the Office by March 1<sup>st</sup> 2006.

## 6. OLD BUSINESS

- A. **Legal.** Property Rights
- B. **Lou-Air/Raintree v. Cape & Sons/MODOT.** Brian stated there was a recent petition where Shamrock Hills Golf Course was successful in staying Cape & Sons receivership in order to collect monies.
- C. **IRS Standard Mileage rate as the Standard for RLPOA.** Brian stated that RLPOA has always used the same rates per the IRS Standards, which now is 48 ½ cents per mile.

*Tom Tucek moved to approve the IRS Standard rate as the standard for RLPOA. Tony Jose seconded the motion. Brian asked for the vote. The motion passed 6-1. For: Tom Tucek, Tony Jose, Tom Atkins, Tim Nydegger, Dave Mac Queen, and Bob Orr. Opposed: Ed Gross.*

## 7. NEW BUSINESS

- A. **David Dawson – Appeal codes fine.** . Brian presented the ARB violation and the rules of the association. Article VII, Section 3, (RLPOA Covenants). Installation of new roof w/o ARB approval is a \$200 fine. Mrs. Dawson presented to the Board her case. She stated that they had an old wood shake roof, which had a hole in it and was leaking when it rained. She used a roofing contractor who had replaced many roofs in Raintree and used an ARB approved similar

composite roof shingles with similar colors. Ed Gross asked to hear from the ARB. The rules are: roofs of approved composition materials and colors are considered acceptable, subject to approval through the ARB submittal process.

*Tim Nydegger moved to overrule the ARB fine of \$200 because the Dawson's roof was leaking and they had a roofing contractor that could replace their roof immediately with an ARB approved roof material. Dave Mac Queen seconded the motion. Brian asked for the vote. The motion passed 5-2. For: Tim Nydegger, Dave Mac Queen, Ed Gross, Bob Orr, Tony Jose. Opposed: Tom Atkins and Tom Tucek.*

- B. Ferguson Seeder/Aerator \$1,400 (Equipment budget \$5,000)** Goal: "Park-like Common Ground." RLPOA Board priority #8. A 5' wide will cover tire tracks and allow for tight spots. This was the recommended purchase by RLPOA staff.

*Tom Atkins moved to approve up to \$1,400 for a Ferguson Seeder/Aerator. Dave Mac Queen seconded the motion. Brian asked for the vote. The motion passed 5-2. For: Tom Atkins, Dave Mac Queen, and Tim Nydegger. Tony Jose and Ed Gross. Opposed: Tom Tucek and Bob Orr.*

- C. KingKutter Tiller \$1,300.** Goal: "Park-like Common Ground." RLPOA Board priority #8. This was the recommended purchase by RLPOA staff.

*Tom Atkins move to approve up to \$1,300 for the KingKutter Tiller. Tony Jose seconded the motion. Brian asked for the vote. The motion passed 5-1-1. For: Tom Atkins, Tony Jose, Tim Nydegger, Ed Gross and Dave Mac Queen. Opposed: Bob Orr. Abstained: Tom Tucek.*

- D. Dock Contract Proposals.** After lengthy discussions it was decided to approve the dollar amount for the new docks and vote on the Dock Contractors at the next Work Session "Special Meeting" on February 23<sup>rd</sup> 2006.

*Tony Jose moved to approve up to \$96,000 to be funded by residents participating in the new dock program. This will be based on a maximum of \$4,000 per slip. Tom Atkins seconded the motion.*

Brian Whitley asked for any further discussion. Tom Tucek stated he was not comfortable with the Cross Electrical quote.

*Tom Tucek moved to amend the motion to remove Cross Electric. Tom Atkins seconded the amended motion. Brian asked for the vote. The amended motion passed 6-1. For: Tom Tucek, Tom Atkins, Tim Nydegger, Tony Jose, Ed Gross and Dave Mac Queen. Opposed: Bob Orr.*

*Brian asked for the vote on Tony's motion. The motion passed 4-3. For: Tony Jose, Tom Atkins, Tom Tucek, and Tim Nydegger. Opposed: Ed Gross, Dave Mac Queen and Bob Orr.*

- E. Boat Slip Participation Program.** After lengthy discussions it was decided to table this issue to the February 23<sup>rd</sup> 2006 Work Session "Special Meeting".

- F. Boat Slip Policy Paragraph C.** Boat Slip Leasing.



*Tony Jose moved to approve the changes to the **Boat Slip Policy** paragraph “C”, as proposed, and to approve the **2006 Long-Term Lease of Boat Slip** document changing the first paragraph reference of May 1<sup>st</sup> 2006 to “this day” and its reference of April 30<sup>th</sup> to “March 15<sup>th</sup>” for participants in the New Boat Slip program. Tim Nydegger seconded the motion. Brian asked for the vote. The motion passed 5-2. For: Tony Jose, Tim Nydegger, Tom Atkins, Tom Tucek and Ed Gross. Opposed: Dave Mac Queen and Bob Orr.*

#### **8. Adjourn to Executive Session.**

Tony Jose moved to adjourn to Executive Session. Tom Tucek seconded the motion. The motion passed.

#### **9. Adjournment.**

*Tom Tucek moved to adjourn. Tony Jose seconded. Brian asked for the vote. The motion passed 7-0.*

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
FEBRUARY 23, 2006  
WORK SESSION & SPECIAL MEETING**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A work session/special meeting of the Raintree Lake Property Owners Association was held on February 23, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tom Atkins, Ed Gross, Cheryl Fritts, Tim Nydegger, David MacQueen, Tony Jose, Bob Orr, and Tom Tucek. Rachelle Vandiver also attended.

**Discussion:**

1) Greenway Bicycle Loop – Parks & Recreation (Steve Casey): Information was presented to the Board about Lee's Summit's desire to add Raintree Lake to it's Greenway Bicycle Loop. Parks and Rec intended to have the loop unidirectional with signs posting the area. There would be no pavement markings. Pros and cons were discussed (pro: more Raintree exposure to prospective buyers, promotes fitness; con: more traffic on Raintree streets, residents may complain about signs in their yards).

2) Lee's Summit Journal – Newsletter – David Lammers

3) Terra Technologies/Prairie & Wetland Center – Siltation Barriers – David Flick: David presented many details on the Clean Water Act, pictures of engineering projects and designs for controlling stormwater, and tips on siltation.

4) Kansas INT League – Eric/Brandon Carlson: The INT League requested permission for Raintree Lake to host the Kansas INT League wakeboarding/skiing event. Many details were discussed and the Board planned to send a note out to residents gauging their interest and any concerns.

5) Award Slip Contract: The RLPOA Board moved to award the boat slip contract to Elf Docks for \$59,148.08 for construction of slips in Normandy Cove along Raintree Drive (10) and to extend the slips at the clubhouse (14). Passed 7-1 (Ed opposed).

The RLPOA Board moved to award the electrical contract to Cross Electric (up to \$7,600). Passed 7-0-1 (Ed abstained).

6) Walking Trail - Phase III (Ed): Ed asked the Board if we should have the walking trail connecting Raintree Parkway/Sandpiper to Raintree Drive/Raintree Court, or from Green Teal to Widgeon Way. The Board considered safety on kids walking along Ward Road and decided to connect Raintree Parkway to Raintree Drive. Discussion continued on whether to extend this on both sides of Raintree Circle and whether to extend it to Raintree Court. Funding will help decide this issue.

7) Pool Contract : The Board reviewed the pool bid from Aquaticare and requested Rachelle contact the other providers to see what they would bid.

8) Pool Bathroom Floor (Rachelle needs direction): Dave will research options on improving the bathroom floor.

9) Deck (Tom/Ed Update): Ed and Tom provided information on the deck design to date. The Board discussed options of railings, materials, etc.

10) Boat Slip Waitlist Delinquent Dues: Brian presented some information on the number of people on the boat slip waitlist delinquent on dues and whether they should be remained or removed. People on the waitlist are behind a cumulative amount of \$11,720. The dues delinquency rate is 25% compared to 15% for all of Raintree. There are 60 of 245 members on the wait list delinquent.

The Lake Committee prepared the following on Feb 6: The Lake Committee members discussed a grace period be offered to residents who are on the current Boat Slip Waiting List and not a 'Member in good standing'. Announce a 90-day period that all accounts must be brought up to date and payment received in full. At the end of the grace period remove the name of any member not in good standing from the Boat Slip Waiting List. In the future do not put any person on the list that is not in good standing. Remove any resident from list when they become a member not in good standing. The vote was 5 for, 1 against and one abstains. This is the only amenity that we have a wait list for. All others you must be a member in good standing before you use it (pool, boat stickers, boat rental, clubhouse rental etc.).



**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**BOARD OF DIRECTORS MEETING**  
**March 16<sup>th</sup>, 2006**

A Board meeting of the Raintree Lake Property Owners Association was held on March 16<sup>th</sup>, 2006 at 7:00PM. Board Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Tim Nydegger, David Mac Queen, Tom Tucek and Ed Gross. Cheryl Fritts and Bob Orr were absent. Rachelle Vandiver was also present.

1. Brian Whitley called the meeting to order at 7:00 PM and announced a quorum for the Board meeting.

2. **OPEN FORUM**

Brian Whitley announced there would be ten minutes allowed to hear resident's concerns, complaints and questions. Brian asked the residents to please state their name and address before speaking.

There were no residents wishing to speak their concerns to the Board.

3. **CONSENT AGENDA**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The March Consent Agenda includes the approval of the February Board Meeting Minutes and the approval of Payment of Bills.

*Tom Tucek moved to approve the Consent Agenda. Toney Jose seconded the motion. Brian asked for a vote to approve the Consent Agenda. The motion passed 6-0.*

4. **TREASURER'S FINANCIAL REPORT**

**Tom Atkins presented the February Treasurer's Report**

Contents:

Balance Sheet  
Profit & Loss  
Check Register  
Budget Analysis

Information Items:

Bank Account Balances as of February:

Bank of Lee's Summit-Check	\$ 46,869.26
Bank of Lee's Summit Sweep Acct.	\$ 348,476.63

These include reserves for:

Operations	\$ 80,158.00
Dock Self Insurance	\$ 30,000.00
Siltation	\$ 30,000.00

Expenses for February:	\$ 19,004.72
Long Term Debt:	\$ 175,663.25

Outstanding Dues/Fines a/o 2/28/06: \$ 70,796.51

Income during February:

Dues \$ 58,818.94

Other Income Total \$ 25,183.60

Other Income Includes:

Interest \$ 1,023.25

Clubhouse Rental \$ 231.62

Shoreline Ads \$ 1,718.50

Boat Slips \$ 21,725.23

Resident ID's \$ 5.00

Fines \$ 480.00

Tom Tucek asked if the late dues were figured from residents that are one full quarter late. Tom Atkins answered yes.

Brian asked for the financial report to be filed for audit.

## **5. BOARD ANNOUNCEMENTS:**

### **A. Garden Club-Ducks in Flight Statue.**

Rita Madison from the Garden Club presented the new Ducks in Flight Statue that will be placed at the new Garden Club's landscaping flower bed project located NW of Raintree Drive and Cole Younger Drive. Rita mentioned that Karen Delaney provided us the electricity for our lights to light up the new statue. Brian Whitley, the Board and residents gave a big hand to Rita Madison and the Garden Club for their hard work. Rita then thanked all the residents for their donations and support.

Shirley Thomas suggested putting large boulders around this statue to protect it.

### **B. Dam Development.**

The Raintree Lake Development Corp. and Foxridge LLC have proposed the Sunrise Point development for the undeveloped land adjacent to the dam. The Planning Commission held a meeting on March 14, 2006 and voted in favor of this project. For: 2, Opposed: 1, and Abstained: 2. The Lee's Summit's City Council will vote on this application for rezoning at 6:15 on April 20<sup>th</sup>, 2006 at 123 SE 3<sup>rd</sup> Street, Arnold Hall. Brian Whitley stated many of RLPOA's issues and concerns with this project and that residents can find this information in the April Shoreline and on the RLPOA's web site.

### **B. Deffenbauh's and BFI's Letters to Residents Reducing their Rates.**

Brian stated the main goal for taking bids and selecting one trash company was to reduce the amount of Garbage Truck traffic in our neighborhood. The other goal was to reduce the cost for trash service. RLPOA has entered into an agreement with Summit Disposal for trash service. Deffenbauh has now been sending out letters reducing their rates to \$8.50 and BFI is also matching this price. Brian stated Summit Disposals rates are guaranteed for two years where the other companies might not be.

## 6. OLD BUSINESS

### Legal.

Brian Whitley gave an update on the Lou-Air/Raintree v. MODOT/Cap & Sons. The Plaintiff has filed a motion for Order Lifting Stay against Cape & Sons. If approved by the court it would permit plaintiffs to continue the action against the liability insurance company of Cape & Sons, which is currently in receivership. Hopefully the signing of the Order will encourage Cape & Sons' insurer and MODOT to mediate the matter.

There will be an Executive Session meeting to discuss the protest petition that the Association may sign protesting the application and rezoning of the Dam Development Sunrise Point.

## 7. NEW BUSINESS

### A. John & Sheila Hobbs - \$10.00 Trash Fine.

Brian Whitley read to the residents the Association's rules for trash.

Sheila Hobbs explained to the Board on January 27, 2006 she placed at the end of her drive way by the curb a bag of donated items for the Blind. She also stated the bag was clearly labeled "for the Blind". This item was not a bag of trash.

*Dave Mac Queen moved to overrule the fine and violation. Tony Jose seconded the motion. Brain asked for any further discussion. Ed Gross stated it would have been nice to have pictures of the bag in question. Without the pictures his vote will be affected. With no further discussion Brian asked for the vote. The motion passed 6-0.*

### B. Jim Brady - \$200 fine for installing roof without prior approval.

Brian Whitley read the RLPOA's rules on installing new roofs to the residents and the Board. It was decided to table this issue to the next Board meeting because Jim Brady was not present to represent his case. Mr. Brady may have not been informed that the meeting was changed from March 14<sup>th</sup> to March 16<sup>th</sup>.

Jim Brady did arrive to the Board meeting at 8:45. Jim was not aware of the Board Meeting being reschedule for tonight and apologized for being late. Brian Whitley apologized for the Association for not informing Jim of the meeting change due to the city's date change of the Sunrise Point meeting where RLPOA presented. Brian read the RLPOA rules again and the alleged ARB violation. All roofs being replaced must receive ARB approval prior to installation. Jim Brady did state he did not know he had to get approval when replacing his roof with similar ARB approved roofing materials. Jim Brady also stated that his roof was leaking when it rained.

*Tony Jose moved to overrule the fine for Jim Brady of 4057 SW Clipper based on the fact that his roof was leaking and that he applied for ARB approval prior to RLPOA contacting the resident. David Mac Queen seconded the motion. Brian Whitley asked for any further discussion. After additional discussion Brian asked for a vote. The motion passed, 3-2-1. For: Dave Mac Queen, Tony Jose and Tim Nydegger. Opposed: Tom Tucek and Tom Atkins. Abstained: Ed Gross.*

**C. Kansas INT Tournament**

Brian Whitley informed the residents about the Kansas INT Tournament. Eric explained what the Tournament is about and answered all the questions.

The prices to compete in this Tournament are:

Non residents to join INT annual membership are \$45 and \$35 to compete per event.

A Raintree resident's cost to join INT for this one Tournament will only be \$20. The cost to compete is \$20 for the first event and \$15 for each and every other event at this tournament.

The office sent out a letter to all 160 residents on the email list requesting input. The office received 16 responses; For: 11, and Opposed: 5. Brian explained many of the issues that residents had for and against this Tournament: parking, traffic, port-a-potties, and closing part of the lake for two days. There was a lengthy discussion on how to address every issue. Tom Atkins stated he would like to make a motion to go forward with this, with the contingency that the RLPOA President can have some veto power to make changes and work out the details.

*Tom Atkins moved to allow Kansas INT to conduct a Ski and Wakeboard Tournament at Raintree Lake on July 15<sup>th</sup> & 16<sup>th</sup> 2006 contingent upon a contract with proper insurance provisions, spectator provisions, including Port-A-Potties provided by INT, and a damage deposit of \$500 or the amount of the insurance deductible whichever is greater, acceptable to, and signed by the RLPOA president. Tim Nydegger seconded the motion. Brian Whitley asked for any further discussion. After further discussions Brian asked for the vote. The motion passed, 5-1. For: Tom Atkins, Tim Nydegger, Dave Mac Queen, Ed Gross and Tony Jose. Opposed: Tom Tucek.*

**D. Auditor Report – Don Blythe**

Brian Whitley presented the Auditor's Report. Brian stated one of the findings was there is not a capital expenditure outlay and estimated life expectancy for capital assets. Tom Atkins stated the Finance Committee has been working on this project. Tom Atkins asked for volunteers to help put together the life spans of assets and dollar amounts for the life expectancies of assets.

*Tom Tucek moved to accept the 2005 Audit Report including Financing Statements. Tom Atkins seconded the motion. Brian asked for any further discussion. With no further discussion Brian Whitley asked for the vote. The motion passed 5-0-1. For: Tom Tucek, Tom Atkins, Tony Jose, Tim Nydegger, David Mac Queen. Abstained: Ed Gross.*

**E. Aquaticare Pool Contract/Concession**

Brian Whitley presented the three bids for the Pool Contract. Aquaticare did have the lowest bid and included all items required. Aquaticare has been maintaining our pool in the past and is familiar with our facilities.

*Tom Tucek moved to approve Aquaticare for the 2006 pool season up to \$47,000 with exception of the Concession Stand Bid. The Concession Stand would not be part of this contract. Tony Jose seconded the motion. Brian asked for any further discussion. After more discussion Brian asked for the vote. The motion passed 6-0.*

It was decided to discuss the Concession Stand contract at the next Work Session.



**F. Pool Bathroom Floor Replacement**

David Mac Queen presented the bids for the Pool Bathroom replacement. Dave contacted many contractors and only received two bids. After many discussions Tom Tucek suggested tabling this to the next Work Session Special meeting. The Board agreed to move this issue to the next Work Session Special meeting.

**G. Girl Scout Bridging – Request to waive Clubhouse Rental Fee**

Brian Whitley stated the Association does need help preparing Easter Eggs. Brian asked if the Girl Scouts could help stuff Easter Eggs for the East Egg Hunt for an exchange for free rental of the Clubhouse. The Association will still require a \$300 deposit but will hold this check and not cash it.

*David Mac Queen moved to waive the Clubhouse rental fee for the Girl Scout's Bridging in exchange for stuffing Easter Eggs. Tom Tucek seconded the motion. Brian asked for the vote. The motion passed 6-0.*

**H. Carron Meisner – Storm Water Discharge**

Brian Whitley called a Special Meeting at the next Work Session to address this issue.

**8. Adjourn to Executive Session.**

Tom Tucek moved to adjourn to Executive Session. Tony Jose seconded the motion. The motion passed.

**9. Adjournment.**

*Tom Tucek moved to adjourn. Tony Jose seconded. Brian asked for the vote. The motion passed 6-0.*

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**MARCH 23, 2006**  
**WORK SESSION & SPECIAL MEETING**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A work session/special meeting of the Raintree Lake Property Owners Association was held on March 23, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tom Atkins, Ed Gross, Cheryl Fritts, Tim Nydegger, David MacQueen, Tony Jose, Bob Orr, and Tom Tucek. Rachelle Vandiver also attended.

**DISCUSSION**

- 1) Deck – Craig Walters: Craig represented a group of Amish builders interested in bidding and constructing the Raintree clubhouse deck. Craig presented many pictures and discussed the benefits of the Amish work product.
- 2) Aquaticare Concession Contract: The Board reviewed and approved the Aquaticare Concession Contract. The Board asked Rachelle to with Kathy Blevins to have Aquaticare pay for the necessary infrastructure improvements that Aquaticare would need to improve the concession stand this season.
- 3) Dock Repairs – Lake Committee: The Lake Committee will have Kribbs inspect the boat and swim docks needing repair. Elf will inspect their dock. The Lake Committee will have a report to the Board for necessary repairs. The Board will approve funds in April to see that those repairs are carried out.
- 4) Jet Ski – Law Loan or purchase: The Board asked the Lake Committee and Rachelle to identify existing used Jet skis and their purchase price. The Board will make a decision as to whether to buy RLPOA's own jet ski or continue with the Law Loan program.
- 5) Rental Pontoon Repairs: Rachelle presented some information on repairing and replacing components of the rental pontoon boat. The Board budgeted \$5,500 for repairs this year.
- 6) Pool Bathroom – Floors/heating/exhaust/insulation: Rachelle will contact an electrical contractors to identify needs for the pool bathroom area. The Board moved to approve the pool floor contractor that Dave recommended using WonderGrip upon receipt of MDS documentation (8-0). It's a 2 step process. There was also discussion about the need for moisture barriers and improving the bathroom ventilation to reduce moisture accumulation.

- 7) Reward for information: Brian Whitley moved to publish in the Shoreline "Up to \$5,000 reward for information leading to the arrest and conviction of individuals doing property crimes in Raintree Lake". Tony Jose seconded the motion. Motion passed 7-0-1, Ed Gross abstained.
- 8) Muskrat trapping for summer: There was much discussion of whether to use Trapper Bob or Trapper Mike for the Summer. Detailed cost scenarios were prepared by Rachelle demonstrating the projected monthly cost based on difference real scenarios form the previous winter months.
- 9) Optimist June 3 Fishing Derby Advertisement in Shoreline (Ed): Ed requested the RLPOA place an ad in the Shoreline announcing the Lee's Summit Evening Optimist Club's fishing Derby, a charity event. The Board agreed to provide a ¼ page ad for the event in the May Shoreline (8-0).
- 10) Walking Trail Update (Ed): Ed provided an update on the walking trails and their was discussion about the new walking trail along Ward Road to connect Raintree Parkway/Sandpiper with Raintree Drive/Raintree Circle.
- 11) Deck Replacement Update (Tom T) : Tom Tucek gave an update on the deck replacement and the need for Board members to review the plans and provide comment.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
MARCH 30, 2006**

**DETERMIN QUORUM AND CALL MEETING TO ORDER**

The 2006 Annual meeting of the Raintree Lake Property Owners Association was held on March 30th, at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Tom Tucek, Cheryl Fritts, Tim Nydegger, Bob Orr, and Dave MacQueen. Absent: Ed Gross.

Brian Whitley called the meeting to order at 7:20pm and took a show of hands of people wanting to continue the meeting or adjourn due to an insufficient number of residents for a quorum. Residents wished to continue the meeting. At around 7:45pm Glen Jones appeared and his lots enabled the RLPOA to make quorum. The notes from the meeting can be found on the following slides.

# RLPOA Board of Directors

March 30<sup>th</sup> 2006

2006 Annual Meeting

# Board Introductions

- **Brian Whitley (President)**
- **Tony Jose (Vice-President)**
- **Tim Nydegger (Secretary)**
- **Tom Atkins (Treasurer)**
- **Cheryl Fritts**
- **Ed Gross**
- **Dave Mac Queen**
- **Bob Orr**
- **Tom Tucek**

# Secretary's Report


- Approve Minutes of March 31, 2005

# Treasurer's Report

● Income	757,256
● Bank Balance 12/31/05	362,234
● Long Term Debt	187,492
● Consolidation of Accounts	




# Special Projects in 2005



● Common Ground Survey	10,000
● Concession Improvements	1,600
● Drainage	3,885
● Rip Rap	13,644
● Walking Trails	75,097
● Aerator	2,957
● Conservation	11,045
● New Boat w/ Trade In	5,705
● New Swim Dock	7,094
● Water Quality (Testing)	5,873
● Dock Lighting	22,340
● Zero Turn Mower	13,500
● Additional Principal Payment	30,000

# Special Projects in 2006



● Hidden Cove Desiltation	120,000
● Deck/Clubhouse	95,000
● Walking Trails	70,000
● Water Quality (Testing)	15,500

# Election Process

- Class A (3); Class B (1)
- Nominating Committee
  - David Elliott (Chair)
  - Rhonda Masters
  - Jim Metzger
  - Brenda Miller
  - Rita Madison
  - Shirley Thomas

# Lee's Summit Police

- Ken Conlee
  - Chief of Police, Lee's Summit, MO
  - Neighborhood Watch Program

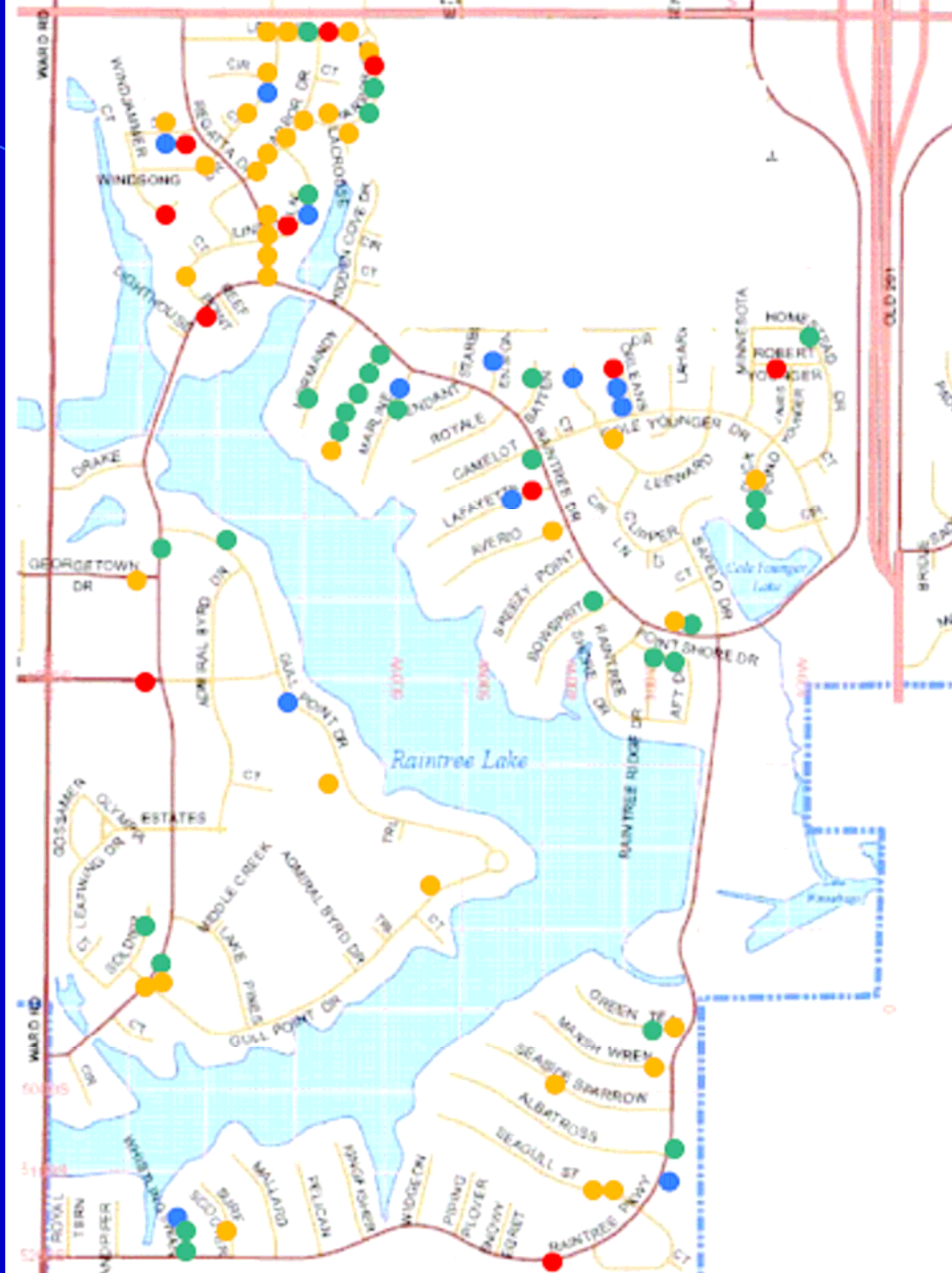
# Crime Locations in Raintree: 2005

# Burglaries/Robbery

# Motor Vehicle Thefts

## Theft (Other)

# Property Damage



# City Council Representatives

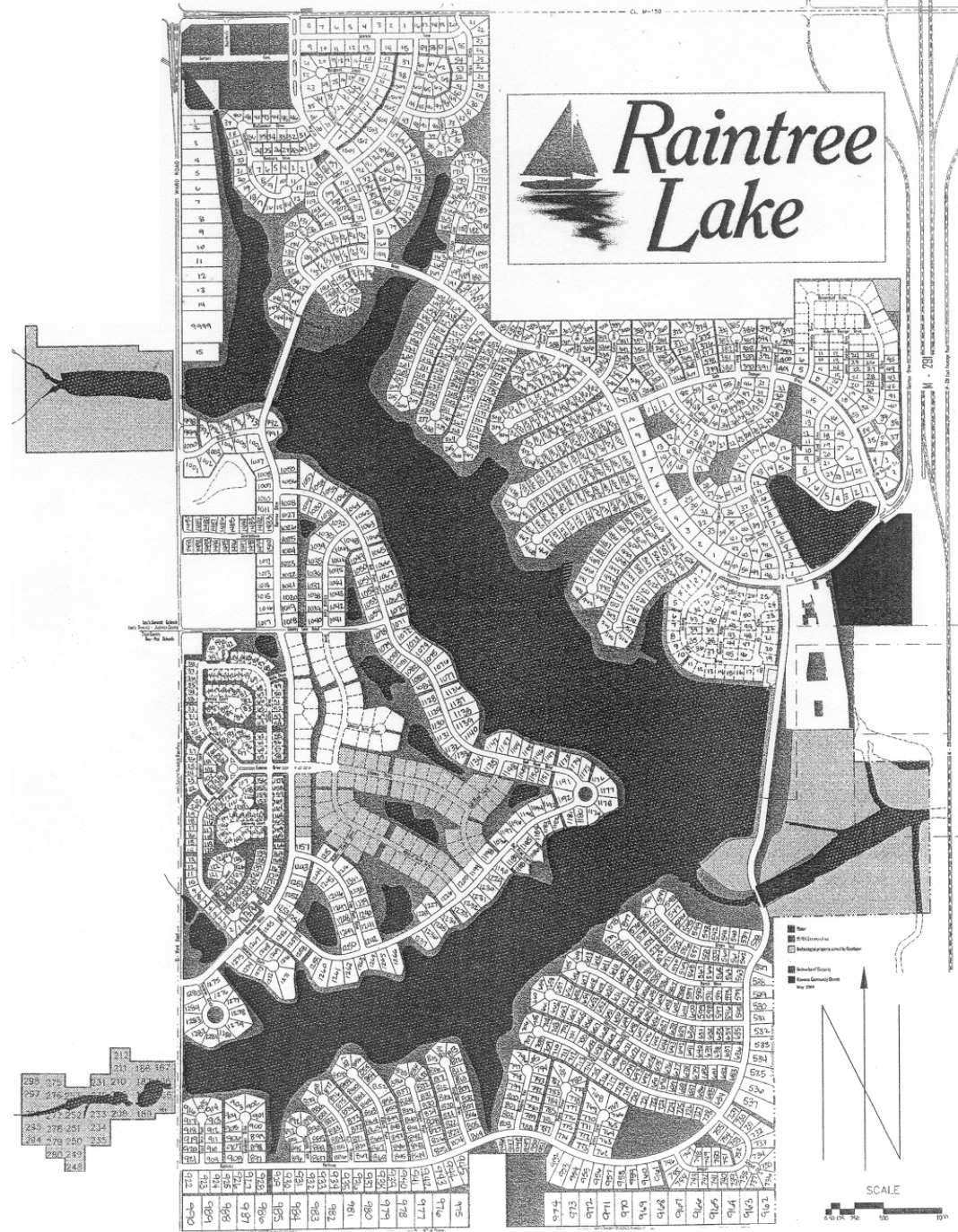
- Ron Williams
- Randy Rhoads

# State of Raintree

- Common Area
  - Survey, Walking Trails, Boat Slips, Water Quality
- Siltation
  - Hidden Cove
- Financial
  - Debt, Purchasing Policy & Procedures, Contracts
- Community Networking
  - Metro Calling Plan, Medicare Part D, Taxes, Development
- Coming Year
  - Activities, Asset Management, Priorities



# Common Ground Survey





# Walking Trail North



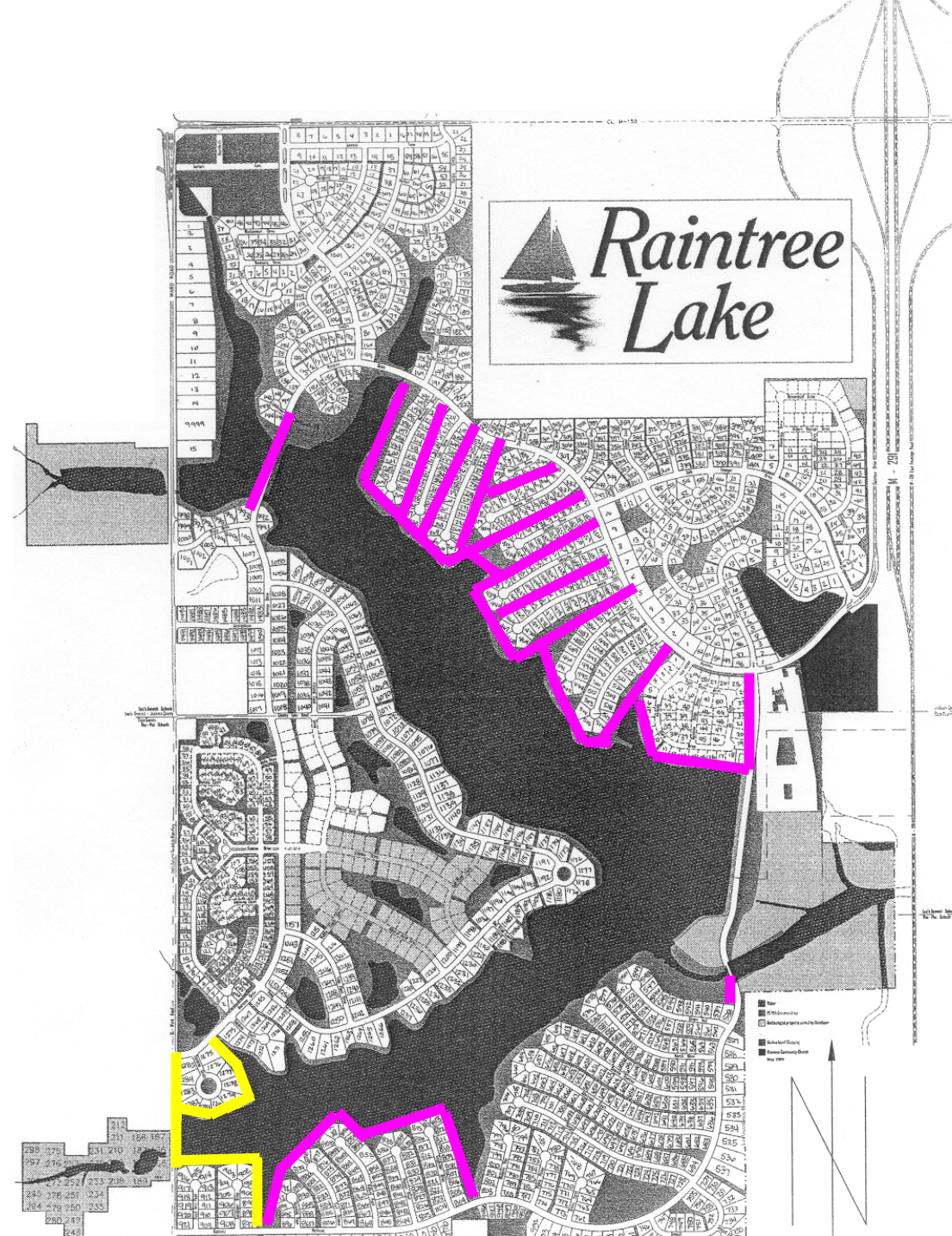
# Walking Trail South



# Walking Trail Project

Existing

New for 2006





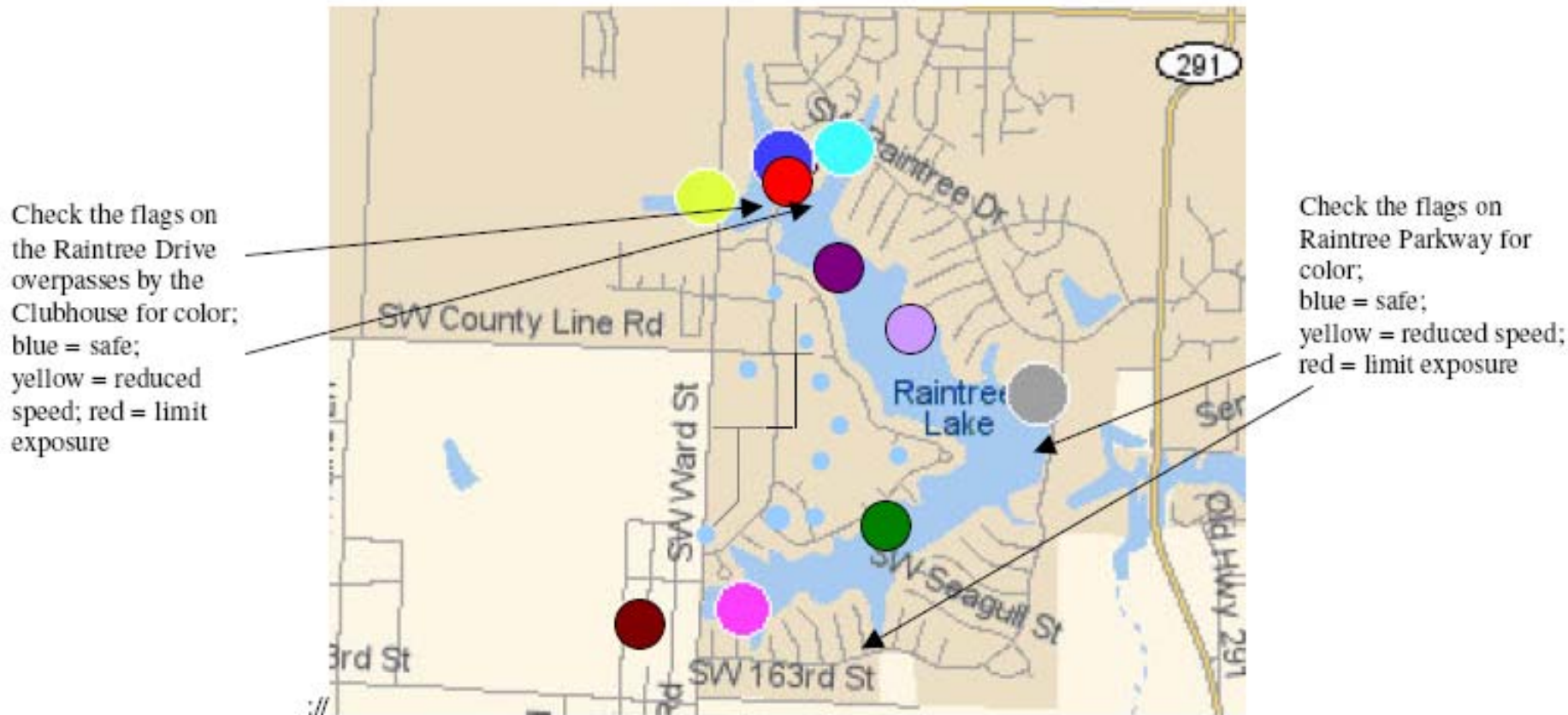
# Boat Slips: (24 added --> 280 leased)

## Reduction of approx. 3 years wait time



# Water Quality Testing/Aeration

<http://rlpoa.com>

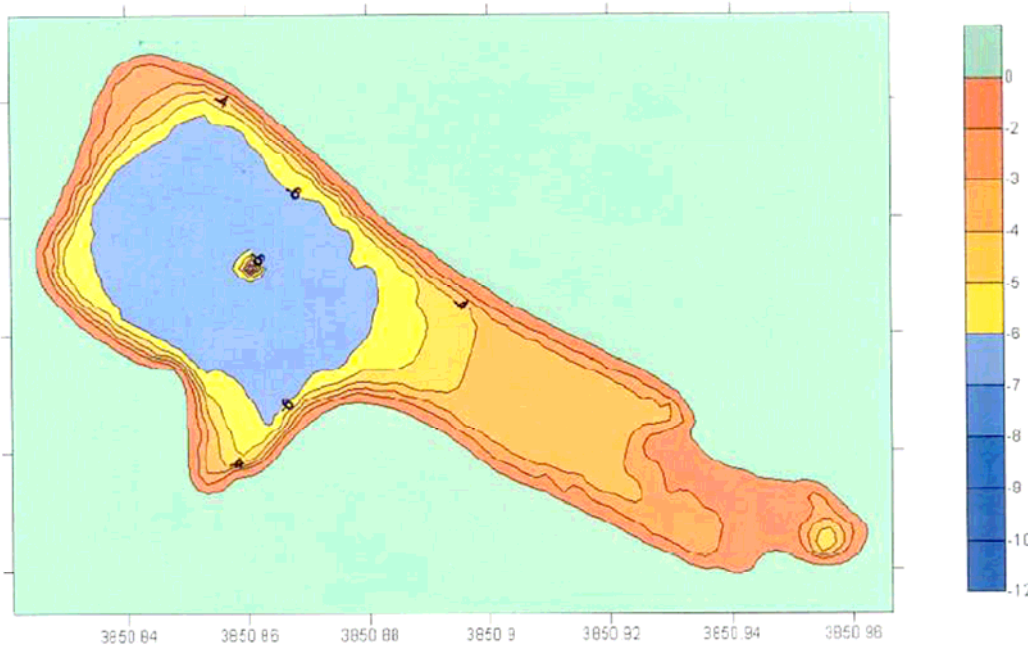


*Check the flags before you swim or boat!*

*Blue = safe; Yellow = reduced speed; Red = limit exposure (bacteria)*

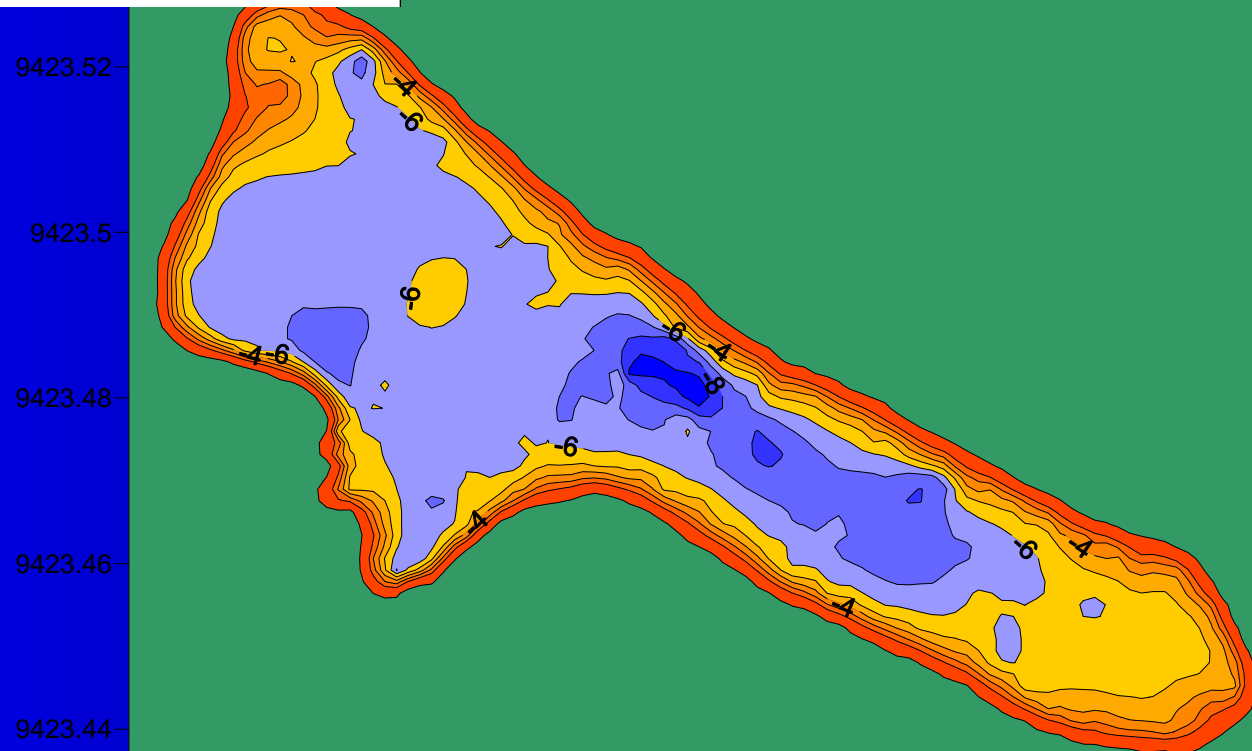
# Hidden Cove Desiltation

2004



**Siltation  
Committee**

2006





# Financials

- Long-term Debt (5% interest)
  - Jan 31, 2006: \$183,963
  - Jan 31, 2005: \$234,938
- Formal Purchasing Policy/Contracts
  - Finance Committee

# Community Networking

- Metro Calling Plan (Tier 3 → Tier 2) \$6/mo
  - Agreement between PSC, SBC/AT&T, Office of Public Counsel
  - Assistance from
    - Bob Johnson
    - City Reps
    - Raintree Residents
- Medicare Part D
- Property Tax Assistance
  - Homestead Preservation Act
  - Missouri Property Tax Credit
- Trash Service
- Development



# Community Networking

- Development
- rlpoa.com

## ArborWalk

Developer: David Gale, Gale Communities, Inc.  
Location: 380 acres NW Corner of M-150 & Ward  
Type: Townhome, single-family, retail (Meiner's)  
Price: Townhomes \$130k+; single-family to \$250k  
Minimum sq. ft.: Variable  
Minimum Lot Size: 35'  
Status: Under construction  
Source: <http://www.arborwalk.com/>  
<http://rlpoa.com/text/minutes090903.pdf>

## Raintree Lake Village\*

Developer: RACH, LLC, Inc.  
Location: SE Corner of Ward and MO150  
Type: Commercial (pos. Walgreens, bank, retail)  
<http://www.rlpoa.com/cv.htm>

## Regional Excess Flow Holding Basin

Location: NW of Drake & Ward  
Status: City is requesting land from Developer

## Raintree Lake Estates 8a Plat\*

Developer: Raintree Lake Corp.  
Location: South of County Line between Gull Point & Raintree Dr.  
Type: Single-family (35 residences)  
Minimum sq. ft.: 1,800  
Price: \$295k-\$400k  
Status: Roads paved, lots for sale. RLPOA disputes condition of common area.  
<http://www.lee-summit.mo.us/meetingminutes/06-22-04.doc>

## Excess Flow Holding Basin

Location: South Central area of Kensington Farms  
Status: Pulse and City will install  
<http://www.rlpoa.com/efhb.htm>

## Kensington Farms:

Developer: Pulse Homes  
Location: 320 acres SW Corner of Ward and County Line  
Type: 745 Homes  
Minimum Lot Size: 45' (60' along Ward)  
Price: \$150k+  
Status: Lee's Summit has annexed the area. Reduced from 1,200 homes to 745 homes. Ward Road will be improved to four 11' traffic lanes and one 10' center turn lane in two Phases  
<http://www.rlpoa.com/kf.htm>

## Fountains\*

Developer: Glen Jones  
Location: 54 acres SE Corner of County Line & Ward Road  
Type: Single-family (176 residences)  
Minimum sq. ft.: 1,200  
Price: \$190k-\$300k  
Status: Under construction  
Source: <http://www.lee-summit.org/pdf/Asa%20and%204LS%20Advantage%204-2-49.pdf>

## Ward Road Improvements

<http://www.rlpoa.com/ward.htm>

## Raintree North Shopping Center

Location: SW Corner of Raintree Dr. & M-150  
Type: Commercial  
Status: Price Chopper, Paddy O'Quigley's, McDonald's, Crowley Furniture, Great Clips, VIP Nails, Hanger's Cleaners, Martial Arts, China Wo, PostNet, H&R Block, Tanning Salon

## North Shore at Raintree\*

Developer: Karen DeLaney  
Location: 20 acres SW Corner Raintree Dr. & Raintree Pkwy.  
Type: Single-family (50 residences)  
Price: \$300k-\$750k  
Minimum sq. ft.: 1,600  
Status: Under construction  
Source: <http://www.lee-summit.mo.us/meetingminutes/02-24-04.doc>  
<http://rlpoa.com/text/minutes011304.pdf>



## MO150 Improvements (2010)

Shops at Raintree  
Location: SW Corner of 150/291  
Type: Commercial  
6.5 acres, \$10 million project  
Status: Seeking Community Improvement District 1/19/06

## Raintree Dam\*

Developer: Raintree Lake Development Inc & Fox Ridge LLC.  
Location: South of Raintree Drive, north of Green Teal  
Type: Commercial, single family, duplex, 4-plex, 6-plex  
Price: Variable  
Minimum sq. ft.: Variable  
Status: Before Planning Commission on 2/28/06.

## Winding Creek Estates

Developer: Dusty Dahmer  
Location: NW of 163rd St and MO-291  
Type: Single-family  
Price: Variable  
Minimum sq. ft.: Variable  
Status: Before Planning Board (Cass County) 1/24/06; Raymore seeking to annex  
<http://www.rlpoa.com/windingcreekestate.htm>

\* denotes development within "Raintree"





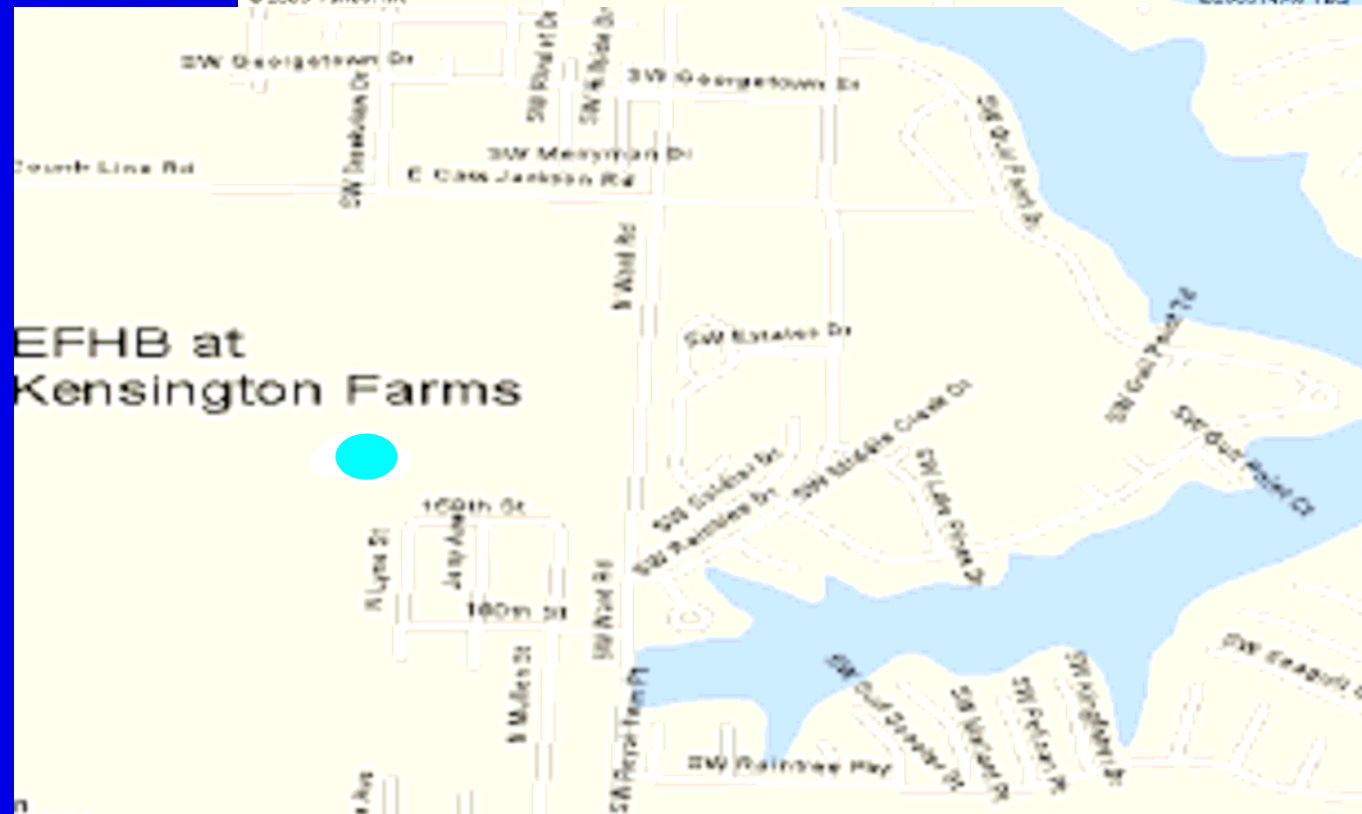
# Ward Road

- RLPOA + Resident Action
  - ~ 9ft of frontage saved



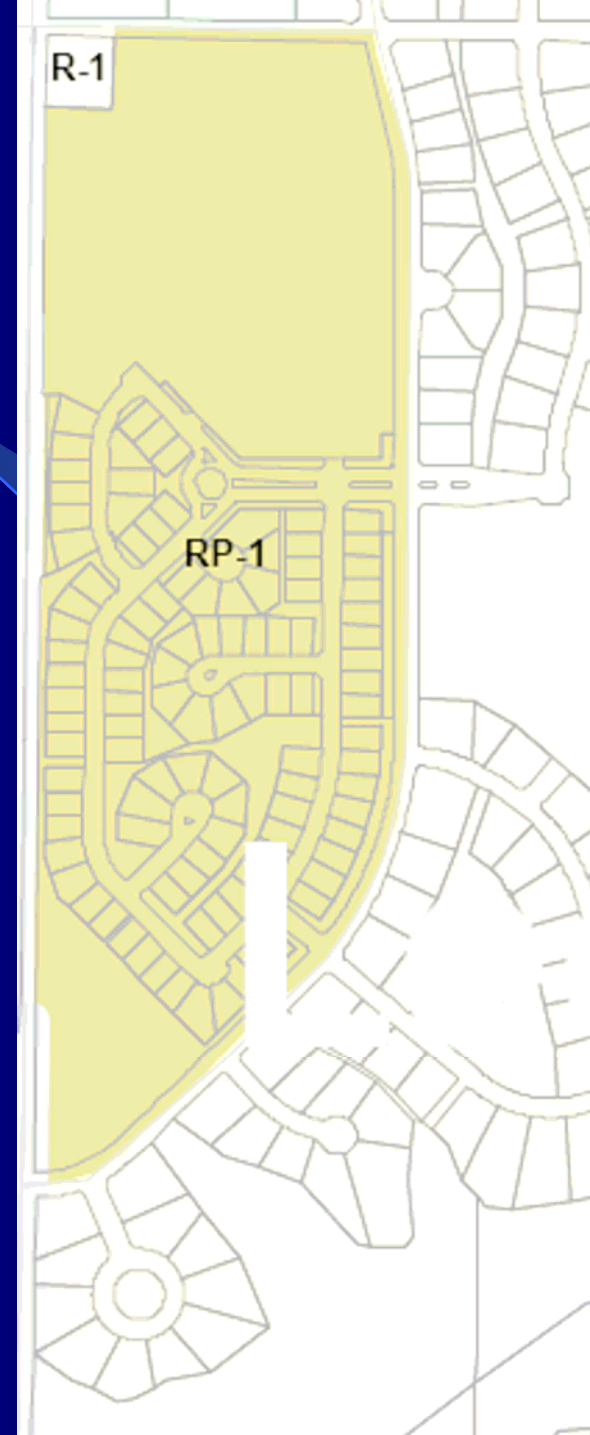


A map of the EFHB In area. The map shows several roads: SW Wind Rd, SW Drake Dr, SW Lighthouse Pt, SW Landon Ln, SW Reef Point Ln, and SW Whistle Dr. A large blue area represents a body of water, with a smaller blue area labeled 'Ramona Lake'. A yellow area is labeled 'Clubhouse'. A red oval highlights the 'EFHB In' area. A scale bar indicates 100 m. The map is dated © 2005 N.A.S./TDO.



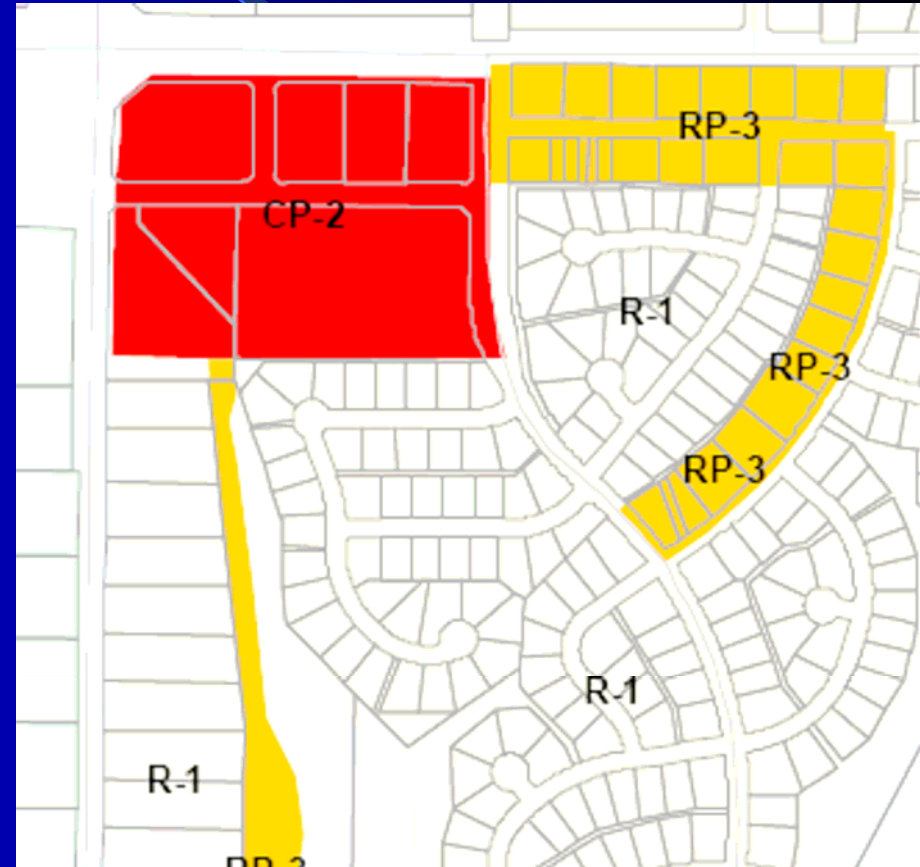
# Fountains of Raintree

- Glen Jones
- 176 single-family
- Maintenance Free



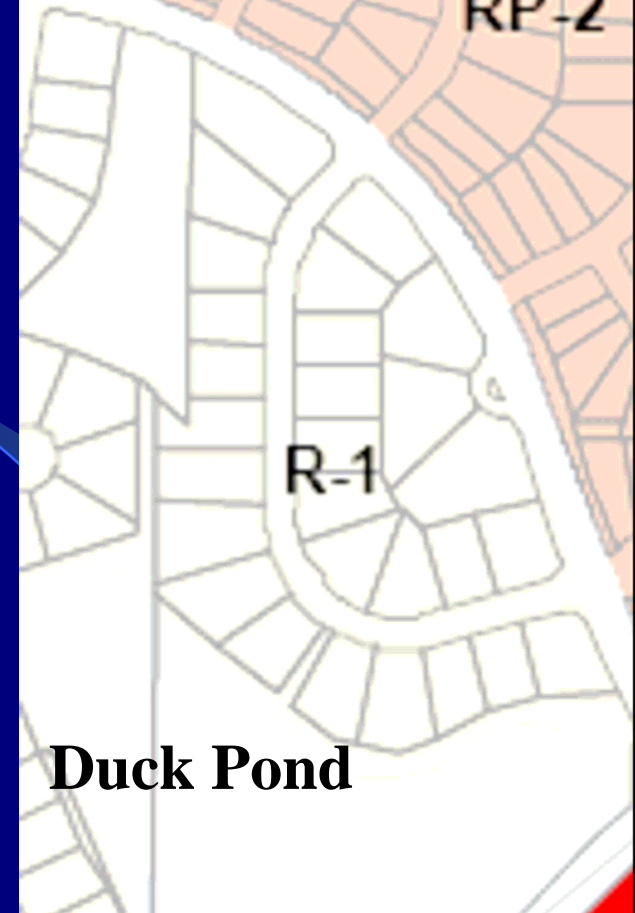
# Raintree Lake Village

- Mike Atcheson
- Commercial
- 15k sqft retail/pharm
- 4.5k sqft Commerce
- Other pad sites



# Duck Pond

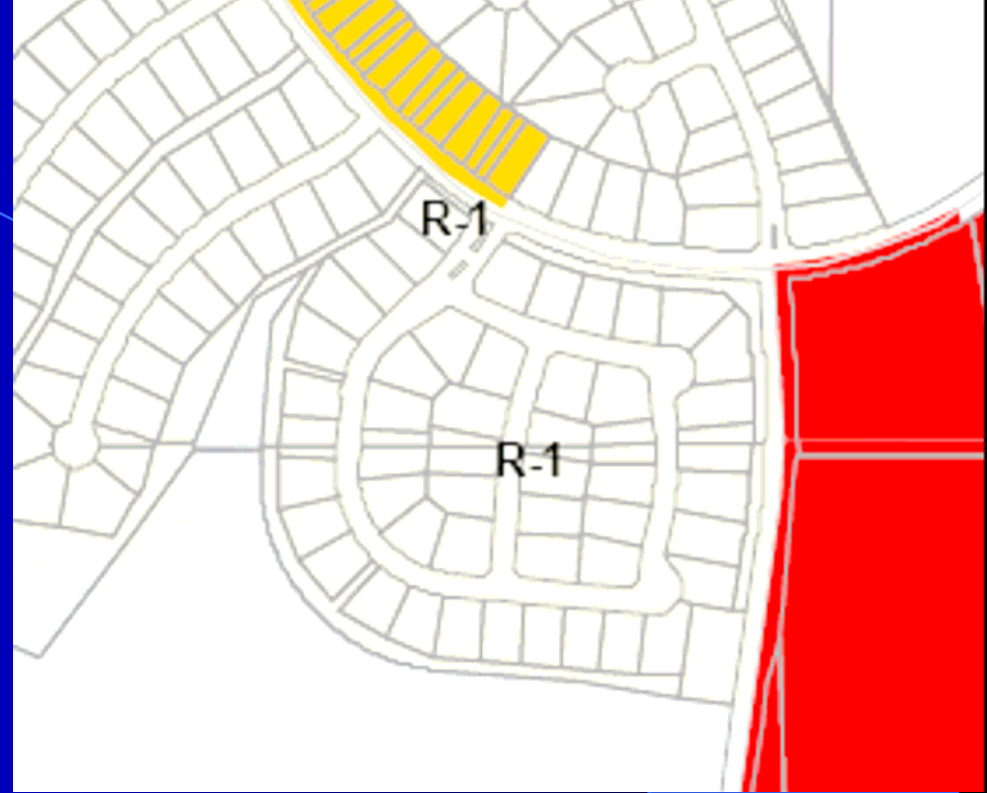
- Karen DeLany
- 28 single family





# North Shore at Raintree

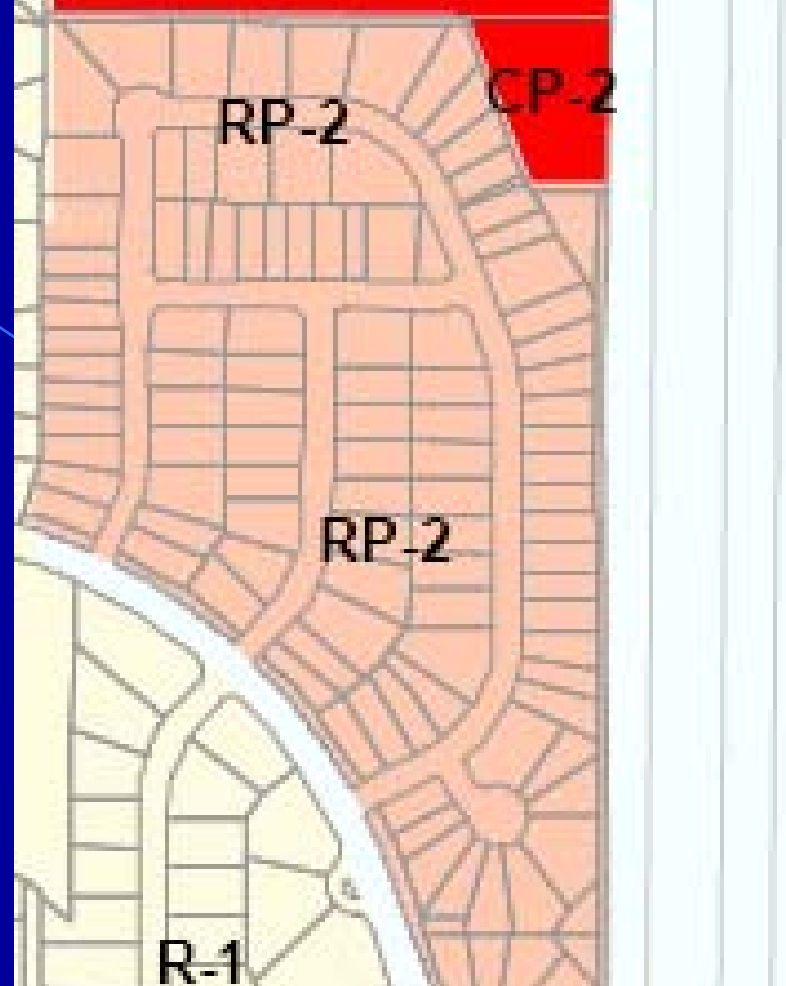
- Karen DeLany
- 50 single family





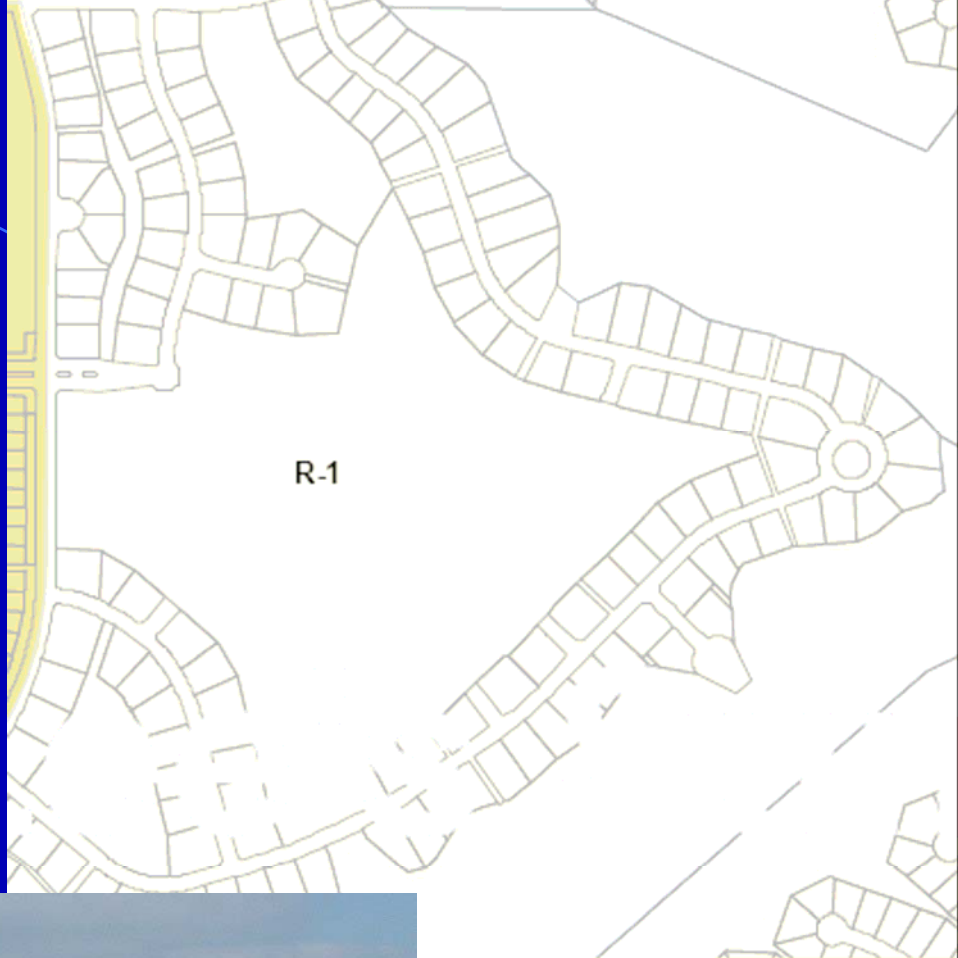
# Raintree Villas

- Ben Sharpe
- 81 units (50% duplex, 50% single-family)
- Maintenance provided



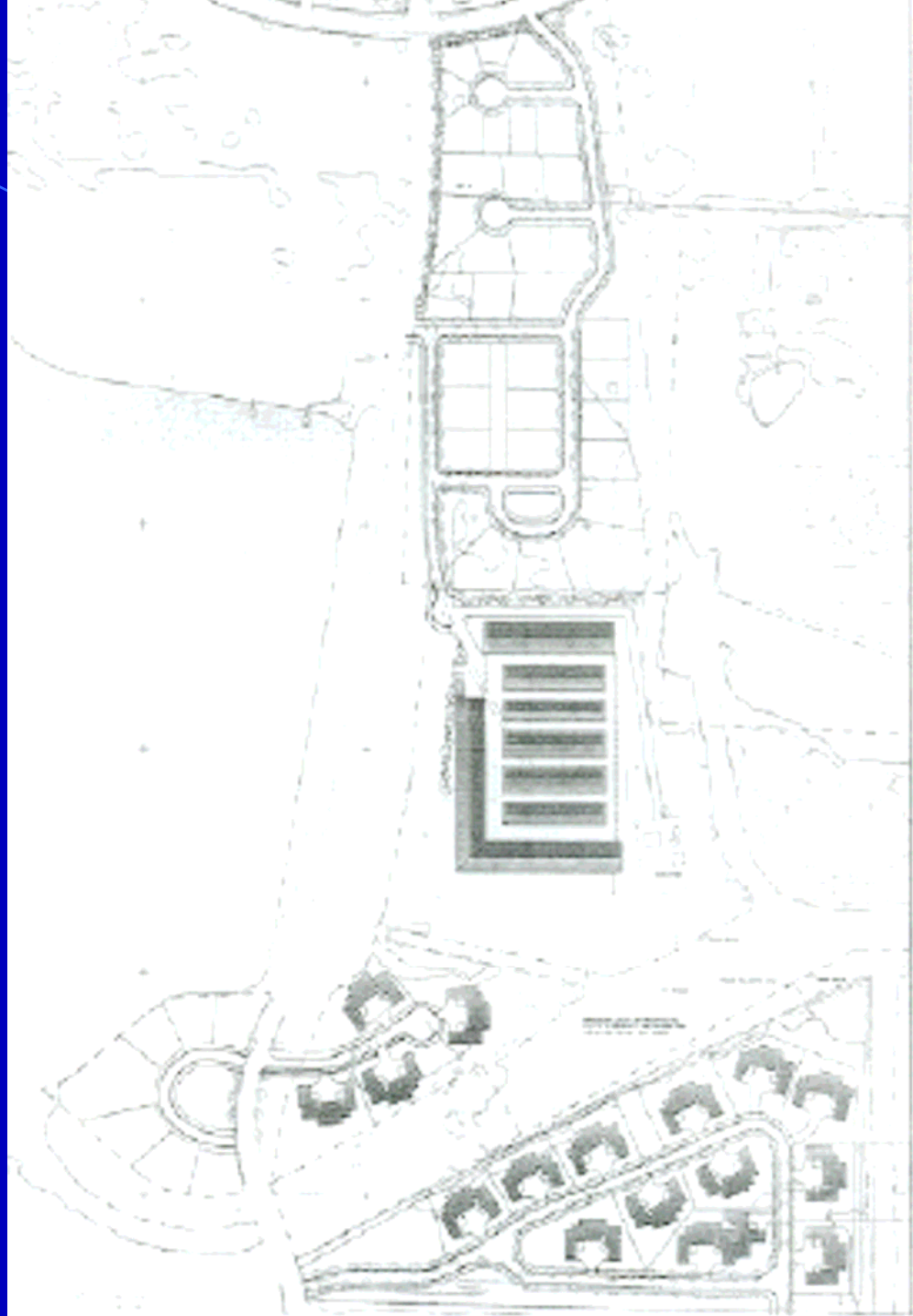
# Estates 8<sup>th</sup> Plat

- Ira Roberts
- 287 single-family in Raintree Estates



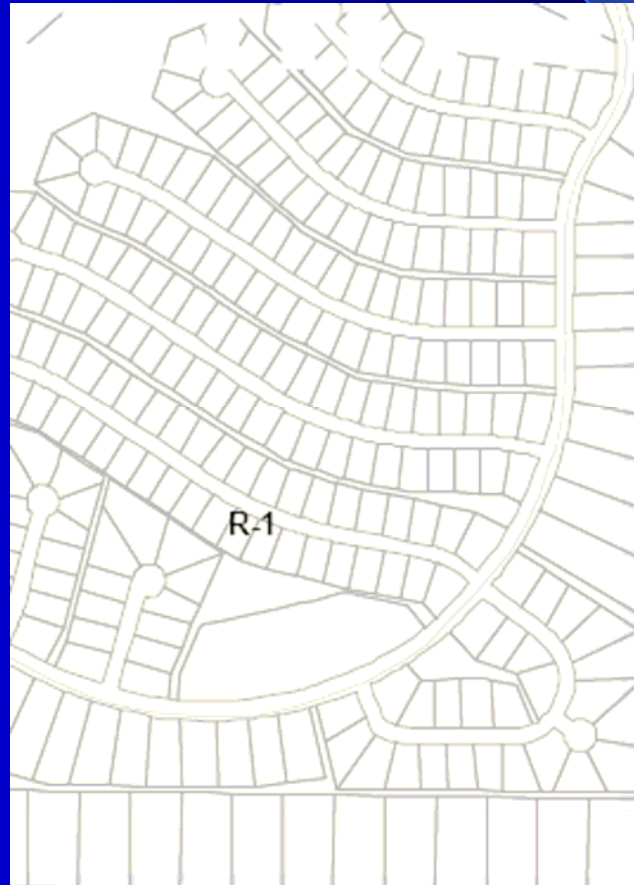
# Sunrise Point

- Ira Roberts
- 5 tracts
- Storage
- 20 single-family
- 44 duplex units
- 56 4-plex units
- 1 6-plex unit
- Lee's Summit  
City Council  
6:15pm April 20



# Winding Creek Estates (not in Raintree)

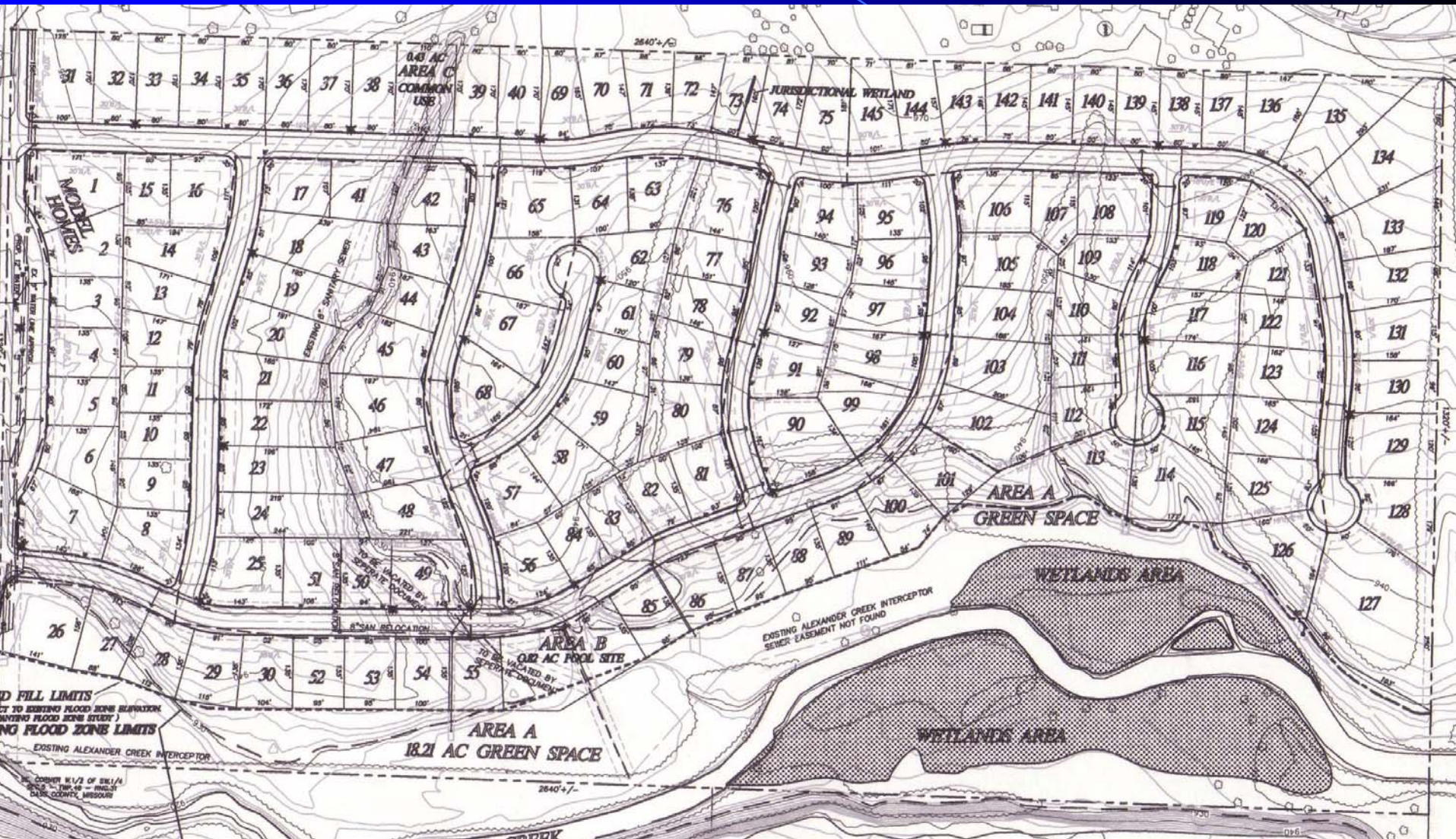
- Dusty Dahmer
- 145 single-family
- Cass County
- Last meeting  
March 23
- Raymore seeking  
annexation



Winding  
Creek  
Estates



# Winding Creek Estates



# Coming Year

- Activities (we need HELP!!!)
  - Aerobics @ Clubhouse
  - Easter Egg Hunt, April 15
  - Spring Fling, May 6
  - Lake Clean-up, May 13
  - Spring Garage Sale, May 18-20
  - Fishing Derby, May 29
  - Summerfest, July 4<sup>th</sup> weekend
  - Ski/wakeboarding tournament, July 15-16
- Asset Management
  - Finance Committee + Board
- RLPOA Priority Ranking 2006



Improvement	Priority	Budgeted
Deck replacement	1T	\$70,000
Patio Stabilization	1T	\$10,000
Continue walking trail around lake	3	\$70,000
Installation of up to 24 boat slips	4	<b>NO COST</b>
Lake water quality - identify contamination source	5T	\$15,500
Continue rip rap along shoreline	5T	\$13,000
Dam emergency preparedness plan+valve	7	\$8,000

Improvement	Priority	Budgeted
Equipment purchases for park-like common ground	8	\$5,000
Seawall repair (muskrats and erosion)	9	UNFUNDED (\$40k est.)
Pool bathroom & clubhouse improvements	10T	\$15,000
Entrance monuments	10T	UNFUNDED (\$5k-\$120k est.)
Land purchases for multiple purposes (ex: silt, boat trailer parking)	12T	UNFUNDED (\$100k+ est.)
Parking lot repair and expansion - north boat ramp	12T	UNFUNDED (\$10k+ est.)



Improvement	Priority	Budgeted
Pontoon boat repair	12T	\$5,000
Desiltation and barriers	15	\$55,000
Waterscape aerators	16	UNFUNDED (\$5k each)
Lift for PWC	17	UNFUNDED (\$5k est.)
Pay down debt	18	\$59,842
Replace dead pine trees with new trees	19	\$1,939
Funding plan for depreciation	20	NO COST

Improvement	Priority	Budgeted
RLPOA equipment/vehicle replacement	21	UNFUNDED
Benches	22	\$2,000
Common ground markers	23	UNFUNDED
Additional clubhouse parking	24	UNFUNDED
Spillway erosion	25	UNFUNDED
Survey south boat ramp land and Dam	26	UNFUNDED

# Legal Matters

- Joe Willerth
  - RLPOA Attorney

# RLPOA Staff

- Rachelle Vandiver (General Manager)
  - Debbie Hanss
  - Carole Jacobs
  - Gene Jewell
  - Nolan Plymell
  - Tera Randle
  - Scott Webber

# Committees

- **Activities (Rhonda Masters chair)**
- **Appeals (Paul Mudd chair)**
- **ARB (Darrell Bennett chair)**
- **Common Ground (need members)**
- **Facilities (need members)**
- **Finance (Ron Greathouse chair)**
- **Lake (Rich Richardson, San La Point chairs)**
- **Neighborhood Watch (Ed Jasinski chair)**
- **Nominating (David Elliott chair)**
- **Siltation (Alan Vandeusen chair)**
- **Welcoming (Rose Marie Walter chair)**

# Announcements

- Newly Elected Board Members
- 2006 Nominating Committee
  - David Elliott (Chair)
  - Jim Metzger
  - Brenda Miller
  - Rita Madison
  - Shirley Thomas
- Board Officers – April 11th

# Open Forum

- 5 minutes per resident to hear concerns
- Please provide name/address

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**BOARD OF DIRECTORS MEETING**  
**April 11, 2006**

A Board meeting of the Raintree Lake Property Owners Association was held on April 11, 2006 at 7:00PM. Board Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Tim Nydegger, David Mac Queen, Ed Gross, Bob Orr and Mike Everly. Cheryl Fritts was absent. Rachelle Vandiver was also present.

1. Brian Whitley called the meeting to order at 7:00 PM and announced a quorum for the Board meeting.

2. **OPEN FORUM**

Brian Whitley announced there would be ten minutes allowed to hear resident's concerns, complaints, and questions. Brian asked the residents to please state their name and address before speaking.

Michelle Bramble stated that she had received a letter indicating she was being fined \$200 for not having a silt fence in place. She stated that it was down because they were trying to get the sidewalk ready to pour. Rachelle indicated that the policy is that the silt fence will remain in place during preparation of the yard for sod. Ms. Bramble indicated the letter was dated and received after the time in which she had to correct the situation. Brian provided information on the appeal process and encouraged her to attend the next meeting.

3. **CONSENT AGENDA**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. Ed Gross made the motion and Tony Jose seconded that we raise the budget of the liability insurance from \$74,375 to \$79,375 to include D and O. Motion passed. *Dave Mac Queen moved that the Consent Agenda be approved. Mike Everly seconded the motion. Brian asked for a vote to approve the Consent Agenda. The motion passed 7-0.* The following committee-budgeted requests were approved.

- A. Easter Budgeted up to \$1,300
- B. Lake Cleanup Budgeted up to \$650
- C. Spring Mixer Budgeted up to \$3,200
- D. Spring/Fall Garage Sale Budgeted up to \$500
- E. Fishing Derby Budgeted up to \$1,500
- F. Insurance Renewal's Budgeted up to \$79,375
- G. Spring Dock Repairs Budgeted up to \$10,000
- H. Swim Dock Repairs Budgeted up to \$5,000

4. **TREASURER'S FINANCIAL REPORT**

**Tom Atkins presented the March Treasurer's Report**

Contents:

Balance Sheet  
Profit & Loss



Check Register  
Budget Analysis

Information Items:

Bank Account Balances as of February:

Bank of Lee's Summit-Check	\$ 27,211.85
Bank of Lee's Summit Sweep Acct.	\$ 328,712.71

These include reserves for:

Operations	\$ 80,158.00
Dock Self Insurance	\$ 30,000.00
Siltation	\$ 30,000.00

Expenses for March:	\$ 98,585.48
Long Term Debt:	\$ 170,541.78
Outstanding Dues/Fines a/o 2/28/06:	\$ 97,422.04

Income during March

Dues	\$ 50,563.98
Other Income Total	\$ 23,971.96

Other Income Includes:

Interest	\$ 1,215.17
Clubhouse Rental	\$ 463.24
Shoreline Ads	\$ 839.83
Boat Slips	\$ 20,566.55
Resident ID's	\$ 5.00
Boat Stickers	\$ 299.18
Finance/Misc. Fees	\$ 105.99
Misc.	\$ 2.00
Fines	\$ 475.00

Tom Tucek asked if the late dues were figured from residents that are one full quarter late.  
Tom Atkins answered yes.

Brian asked for the financial report to be filed for audit.

**5. BOARD ANNOUNCEMENTS:**

**A. Welcome New Board Member**

Brian Whitley welcomed Mike Everly as our new Board member. Mike and Bob Orr are the two representatives for Class B residents.

**B. Sunrise Point**

Brian Whitley announced the Lee's Summit City Council will vote on this issue on April 20 at 6:15 at the new City Hall. He will post it on our web site and hopes to have a large turnout for this meeting.

**B. Easter Egg Hunt**

Brian Whitley stated the Easter egg hunt will be on April 15<sup>th</sup>, at the 6 lots located between Seagull and Snowy Egret. Mike and his wife, Brian, and Tony have volunteered to assist.

**C. Fourth of July Fireworks Display**

Brian Whitley stated that he had put on the web site a request for resident feedback as to whether the residents want the display on Saturday, July 1, or on Tuesday, July 4.

**D. Approval of Reward for Vandalism**

At the annual meeting, the Board approved a reward of up to \$5,000 for the arrest and conviction of acts of crimes against property.

**E. Neighborhood Watch**

The Neighborhood Watch meeting will be held on April 17. Brian encouraged all to attend, to be watchful of crimes in their neighborhood, and to call 911 if they see anything suspicious.

**6. OLD BUSINESS**

**Legal.**

**Lou-Air and Raintree v. MODOT and James Cape & Sons**

Brian Whitley stated that Joe Willerth prepared a report regarding the Lou-Air/Raintree v. MODOT/James Cape & Sons. The Judge entered an order permitting Plaintiffs to proceed against the insurance carrier for James Cape & Sons (in receivership). MODOT has responded to discovery listing two witnesses who supervised the project and making their construction file available for inspection and copying, and is set for status conference before the judge on May 27, 2006 when the parties will discuss whether they would be willing to mediate the matter and a trial date later in 2006 will be set. Mr. Gosserand is the attorney for Lou-Air and he will attend the conference and update us as to the status of this matter.

**Sunrise Point Development Status**

Joe Willerth will work with Brian Whitley and the Board to prepare a proposal to the developer of Sunrise Point. This is required to withdraw opposition to the development proposal below the dam.

**Ward Road Sidewalk Project**

On February 17, the Board requested permission from the City of Lee's Summit support for a 15-foot easement for RLPOA construction of a walking trail or sidewalk along the easterly portion of Ward Road in essence connecting the north and south sides of the lake. City staff has promised to prepare a proposed License Agreement in which the RLPOA would provide insurance and maintenance for such an improvement. The city staff hopes to have the agreement ready for Joe's review and for submission to their Public Works Committee who will make a recommendation to the City Council in May.

**Summer Muskrat Management Program**

Brian reported that the winter muskrat program was very successful. There were 172 muskrats trapped between November 15 and February 28. That program ended on March 31. We received two bids for the summer program. A resident had some concerns with regard to the type of traps that were used in the winter. We will be using colony traps in the summer program as they are safer should children or animals be around them.

*Tom Atkins moved that we approve a five-week trapping program with Trapper Bob under the guidelines provided us under the December muskrat trapping sheet. Dave Mac Queen seconded the motion. The motion passed 7-0.*

## **7. NEW BUSINESS**

### **A. Jeff Hooper – Arbor Masters Tree & Landscape Presentation.**

Brian Whitley said that Jeff Hooper is an arborist and he does some landscape work, prunes trees, etc. Mr. Hooper would like to provide a workshop for the Raintree Residents some Saturday in May. If we would be interested, it would be free but, of course, there would probably be some sales pitch involved. He would provide information on the proper pruning and bring along a chipper truck. Brian stated that we would put it in the May Shoreline and see if there is interest on behalf of the residents. If the residents are interested, the Board would make the decision whether or not to host this workshop.

### **B. Sherri Moore – Appeal on Boat Slip Renewal**

Brian Whitley read the RLPOA boat slip policy with regards to the renewal of boat slips that was adopted on October 8, 1996. There are 245 people who are still on the boat slip wait list and they would be eager to get a slip but we realize there are other considerations and extenuating circumstances to each individual that may predispose them from making these payments. Last year, we had two appeals before us; one was approved and one was denied. That was based on payment history as well as lease payment history and that was a big determination. Sherri Moore stated she had been a resident here for ten years and has had a boat slip for eight years. She owns several properties in Raintree and if you'll check her history, her dues are current. What happened is that her daughter was supposed to pay her bills. She doesn't get a weekly paycheck but works on a commission basis. Her daughter filled out the paperwork and brought it in but then put the bill aside and forgot about it. When she received the letter, she called Rachelle and immediately brought the check up. Rachelle said she wouldn't cash the check until after the Board makes their decision. It was an oversight and she apologized and would appreciate the Board appealing her renewal. Brian stated that all appeals come before the Board in an open session and is recorded in the minutes so there can be some continuity and decision-making as Boards change.

*Bob Orr moved to approve the boat slip appeal. Dave Mac Queen seconded. Ed Gross moved to amend the motion to approve the appeal with an assessment of a \$200 fine consistent with last year's appeal. Tom Atkins seconded that amendment. The amendment to the motion was passed 5-2. For: Tom Atkins, Tony Jose, Tim Nydegger, Ed Gross, and Mike Everly. Opposed: Bob Orr and Dave Mac Queen. Bob Orr moved and Dave Mac Queen seconded the motion to approve the appeal and assess a \$200 fine consistent with last year. The motion passed 6-1. For: Tom Atkins, Tony Jose, Tim Nydegger, Ed Gross, Mike Everly, and Dave Mac Queen. Opposed: Bob Orr.*

### **C. Janet Galliard – Appeal on Boat Slip Renewal**

Dick Fiscus was attending as a representative to Janet Galliard. He stated that he is Mrs. Galliard's son. He further stated that she has been prompt in her dues and basically this was just an error on her part. She had some serious surgery and wasn't fully recovered and she just forgot. I specifically asked her if she had paid her dues. This was not a bookkeeping error; she just plain forgot due to her surgery and subsequent recovery. She has never done this before

and is very embarrassed about it. She had emergency surgery to remove a blood clot on the brain and had some short-term memory problems.

*Tony Jose made a motion to approve the appeal and to assess a \$200 fine consistent with the precedence set last year. Mike Everly seconded the motion. Motion passed 5-2. For: Tom Atkins, Tony Jose, Tim Nydegger, Ed Gross and Mike Everly. Opposed: Bob Orr and Dave Mac Queen.*

**D. Rental Pontoon Repairs**

Brian Whitley stated we have \$5,000 budgeted for this item. Rachelle provided some specs for suggested replacement items which included seats and such. Company A was \$3,981.85, Company B was \$5,459.25. Rachelle Vandiver stated that she wasn't prepared for the issue to come to a vote at this point because she is still working on getting pricing for the seats, motor work, etc. Brian stated that the Board would work on it at the April work session.

**E. New Swim Dock (Whistling Swan/Sandpiper)**

Brian Whitley stated that the Lake Committee's plan is to replace a swim dock each year. In 2004, Swim Dock 9, which is Sunset Cove North and Swim Dock 10, which is Sunset Cove Central were removed and replaced with one in the middle. That price was around \$5,200. In 2005, Swim Dock 4 on Bowsprit was replaced for \$7,094. It was a different material. In 2006, per the Lake Committee minutes, we reviewed all the motions and recommendations and we followed up with Rachelle to see that these recommendations go forward and are incorporated. The highest priority was Whistling Swan/Sandpiper and the second highest priority was Hidden Cove. Depending on how our aerator project goes in Lake Pines, Hidden Cove may or may not have a swim dock. It will depend on water quality issues. Where there are aerators with electricity, you can't have kids swimming around that area. We're going to do some water testing to see if that helps relieve our water quality. If successful, we'll weigh the pros and cons with residents in Hidden Cove and residents in general for Hidden Cove. The recommendation from the Lake Committee is to replace one of these two swim docks.

**F. Water Aerobics**

Dave Mac Queen stated that he has fourteen ladies interested in water aerobics. Aquaticare is the company managing our pool this year and they charge \$10 per week or \$5 per class. He thinks RLPOA can do it for \$2 per class and do it from 10:00 a.m. to 11:00 a.m. There was discussion as to whether or not this would be a breach of contract. Brian Whitley asked how the land aerobics class was doing. Dave responded that it was very successful in that the first day they had 18 women and the second day they had 19. The evening class has not been as successful and if they don't get more attendees, Dave stated that he would close the class. Brian asked that Dave Mac Queen identify an instructor and prepare a schedule so that the Board can work on it at the Work Session.

**G. Boat Slips and Lifts**

Tony Jose stated that during the break, the Lake Committee brought to his attention some inconsistencies with the lifts we are trying to get approved for the new slips in comparison to what's already on the lake. Rich Richardson explained that the galvanized square lifts were selected as the standard quite a few years ago. There are so many different lifts with different colors out there but basically, they are either round black ones or round white ones. The Lake Committee is looking for direction from the Board as to whether we want to maintain the predominant or do we want to open it up. A discussion among the Board Members and

Rachelle followed. Brian asked Rich Richardson to prepare specifications for the new lifts and Rachelle will have the office staff send letters reaffirming them of the policy.

*Dave Mac Queen moved that we approve the current policy of boatlifts as being: galvanized, front mounted, two round tanks black or galvanized. Mike Everly seconded the motion.*

*Motion passed 5-1-1. For: Tony Jose, Ed Gross, Dave Mac Queen, and Mike Everly.*

*Opposed: Tim Nydegger. Abstained: Tom Atkins.*

#### **H. Election of Officers**

Brian read the rules and specific information under the RLPOA By-laws, Article XI, Section 7, which states the officers that shall be elected. He then read By-laws Article XI, Section 4 and By-laws, Section 8 describing the duties of such officers. Nominations were made and seconded as follows: Brian Whitley, President; Tony Jose, Vice President; Tom Atkins, Secretary; Mike Everly and Tom Atkins, Treasurer. A secret ballot was taken and Rachelle Vandiver and Shirley Thomas tallied the ballots. The Treasurer's position was a tie vote; Mike Everly withdrew his name from the nomination. The officers are Brian Whitley, President; Tony Jose, Vice President; Tom Atkins, Secretary and Treasurer.

#### **9. Adjournment.**

*Tony Jose moved to adjourn, Dave Mac Queen seconded. Brian asked for the vote. The motion passed 6-0.*

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**APRIL 27, 2006**  
**WORK SESSION**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A work session of the Raintree Lake Property Owners Association was held on April 27, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tom Atkins, Ed Gross, Cheryl Fritts, Tim Nydegger, David MacQueen, and Mike Everly. Rachelle Vandiver also attended.

**DISCUSSION**

D&O insurance review.

Rachelle presented the proposals for increasing the D&O insurance from one million to two million dollars. The two prices for this is: \$5,166 and \$5,661. The coverage of one million dollars was \$3,229 in 2005, making these bids an increase of \$1,937 and \$2,432 respectively.

Deck – Design Review Comment Issues

Ed stated he still has concerns regarding the design of the deck. If anyone else has any concerns they need to make them known soon as it is time to begin bidding the project. The projected date for construction is the week after Labor Day.

Rental Pontoon Repairs

Rachelle has identified an upholsterer who can refurbish the seats on the pontoon for less than our original estimates.

Brian stated that we will put a survey in the shoreline asking for feedback on issues related to the rental pontoon and other options for rentals, such as paddle boats.

Tim asked about the feasibility of tarping the pontoon after each rental. Rachelle said she would prefer to have individual seat covers verses a tarp, to prevent mold from trapped moisture.

Rachelle explained the mechanic's initial review of the condition of the motor, and that it looked as if we would be able to make the necessary repairs within budget.

Dock Repairs – Lake Committee

Brain referred to a report by the lake committee on the needed dock repairs. Kribbs is recommended for all repairs except the underwater bracing on docks built by Elf Docks. Rachelle will contact Elf to get these repairs started.

Steel vs aluminum ladders were debated. It was decided to ask the Lake Committee to discuss which one is most suitable for our use.



### Boat Slip Policy

The current board practice is contrary to established policy. Established policy makes it difficult for the office to follow up on unsigned boat slip leases as there are numerous last minute leases signed.

Brian proposed the following to be voted on at the next board meeting:

(E:Slip Renewal)

Add to “leases expire on March 15<sup>th</sup> of next calendar year. Lessees shall be notified on or before January 15<sup>th</sup> of lease expiration date. Lessees shall have until March 15<sup>th</sup> to renew lease.” the following: “Residents failing to renew by March 15<sup>th</sup> will receive a certified reminder letter and the ability to renew from March 16 – March 31 at twice the boat slip lease rate for the year (100% lease fee, 100% fine). Failure to renew by March 31 will result in loss of boat slip.”

Rachelle mentioned that when she came into the office today, she found the new dock that was temporarily secured, loose and floating in Normandy Cove. Rachelle will reevaluate the location and direction of cameras.

### Board Goals/Objectives/Conducting Meetings

Brian asked if anyone saw a need to change the structure of the meetings whereby he would vote as all other board members. No one believed this change was necessary, and he will continue to vote only in the event of a tie.

Tim Nydegger suggested that we reevaluate the board's goals from time to time. Dave preferred to start a new one with each new board. Brian stated that the original purpose was to have some continuity with a long term plan.

### Unkempt Developer Sites

Mike showed some pictures of some unkempt areas throughout the neighborhood and asked for suggestions for forcing/encouraging the owners to take better care of these grounds. These areas are developer owned home sites, and common ground.

Rachelle explained office policy for dealing with areas that do not have silt fences properly installed. The first letter is sent to the property owner, with a faxed copy of the letter going to the city. The second letter is sent to the property owner with a fine levied. Rachelle stated that the developer who received the land disturbance permit is responsible for the siltation control even if another builder is the one building on this land.

Bruce Warner addressed the board with his concerns about the use of Roundup around the shoreline. He was going to state that there was no aquatic growth in the lake, but today he saw some beginning to appear. San LaPoint stated the Dept of Conservation recommends that vegetation be allowed to grow in the rip rap.

Rachelle discussed the enormous task of trying to maintain the shoreline with weed eating, and that the use of Roundup has been a great help in keeping the vegetation on the

banks above the waterline in presentable condition. If we are asking residents and land owners to maintain a certain standard, then we should be also.

Tim suggested using a propane torch device, designed for the purpose of controlling brush.

Bruce Warner asked if we could do a better job of spraying for weeds around the lake in the common area.

Brian would like to experiment on some small areas with weed control.

Mike suggested checking into hydro seeding.

Gene Thomas stated that maintenance is not a one shot deal. It is a year long project. Consider native grasses.

Tom Tucek stated that projects need to be thought through. The walking trail was installed in the fall, and the land lay barren all winter. Restoration of the land should have been part of the bid for the walking trail. The maintenance crew is over burdened at this time. Also, a tank full of Roundup behind the gator being trailored around the lake could result in drift and dead gardens.

Ed Gross stated that we deferred the seeding to the maintenance crew to save the association money.

San LaPoint asked if the stump removers are required to remove the chips and if the trees will be replaced. What is the organizations plan?

Shirley Thomas stated that she has been looking into tree programs with the Arbor Day Foundation

Bruce Warner asked: Do you want me to contact my friends who are into pond management to discuss aquatic growth?

San LaPoint said that we have a man at James A Reed who has done studies for us in the past.

Dave stated that he is not determined that roundup is killing the aquatic growth since we do not spray past the water's edge.

Brian suggested that we ease up on Roundup and experiment with the propane torch concept and refrain from removing vegetation in areas where water enters the lake to help control debris entering the lake. Whichever standard we decide to attempt to achieve will be an issue of priorities. If we want to highest standard, then something else will have to be removed from the budget.

Tom Atkins stated that years ago, some lake front homes maintained their yards and the common ground between their property and the lake to a very high standard by utilizing the water from the lake to irrigate their lawns and the common ground. This practice has been halted several years ago. If we would like to see beautiful common ground at little or no expense to the association, we should consider allowing residents access to the lake water in exchange for these residents maintaining the common ground near their home.

#### Clubhouse Parking Lot Concerns

We have had numerous problems with loitering, littering, noise, and vandalism in the clubhouse parking lot in the evenings. The swim dock has been a gathering point, and moving it would help curb night time problems. Brian discussed the possible locations for relocating the dock

Dave MacQueen said that he wanted the record to show that he objects to Brian reacting to one or two people who complain and him making arbitrary decisions. He is wasting valuable time, effort and money when he gives in to these people.

Brian reviewed the suggested locations for moving the swim dock which needed to be moved anyway due to the installation of the new boat docks. It was decided that west of the causeway away from backyards is the preferred spot.

#### Summerfest Carnival Hours & Fireworks Display

After a discussion concerning the hours of the carnival, and the best day to have the fireworks display, it was agreed that we would keep the hours the same for the carnival, and the fireworks would be on July 4<sup>th</sup> as originally planned. A survey was taken on rlpoa news and it received few responses but the results were in favor of having the fireworks display on the 4<sup>th</sup> instead of Saturday the 1<sup>st</sup>.

Shirley Thomas asked to return to the discussion on common ground. She would like to ask Warren Oblinger to participate in the discussion on landscaping of the entrances and islands in cul-de-sacs. Many residents have asked for monumentation that identifies the area as Raintree.

#### Electrical Proposal – Additional outside outlet for pool

Rachelle asked what we wanted to include in the electrical improvements to the concession stand and the restrooms. Brian stated that we need 220 volt, 40 amp circuit for the heaters in the men's and women's restrooms with GFI receptacles

#### Littering on Common Ground

The resident who asked to have this on the agenda was not present.

Ed made a motion to move to executive session. Dave seconded. All were in favor. The executive session was over at 10:10 P.M.

#### **ADJOURNMENT:**

Ed Gross made the motion for adjournment and Tom Atkins, Ed Gross, seconded the motion. All were in favor.

The meeting was adjourned at 10:10P.M.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
MAY 9th, 2006**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on May 9th, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Cheryl Fritts, Tim Nydegger, Bob Orr, David MacQueen, and Mike Everly. Rachelle Vandiver also attended. Ed Gross was absent.

Brian Whitley called the meeting to order at 7:00 P.M. and announced a quorum for the Board meeting.

**OPEN FORUM**

Brian Whitley announced there would be ten minutes allowed to hear resident's concerns, complaints, and questions. Brian asked the residents to please state their name and address before speaking.

Charlie Sandman stated that an article in the last Shoreline by a member of the Cobblestone HOA was reminding their residents of the rules of trash at the curb on trash day, which was inconsistent with RLPOA published rules. It should have been stated correctly. Charlie also asked for an overview of the executive session prior to this board meeting. Brian Whitley stated that the purpose was to discuss the Sunrise Point development, and we did discuss moving the new docks in Normandy cove about 20 feet southwest per a resident complaint. Charlie objected to that topic as inappropriate for an exec session. Brian stated that it was more of a sidebar while waiting for others to show up.

Penny Wilkinson 501 SW Gull Point, stated that commercial vehicles in neighborhoods are not being controlled. A flatbed trailer with a bobcat on it has been parked on Gull Point drive for some time. If we have this rule, we should enforce it. Penny was informed that this is on developer property. Brian asked Rachelle to draft a letter to the developer addressing this issue.

Tim Nydegger raised the issue of the location of the new dock in Normandy cove and asked for a discussion on moving it. Tony suggested moving this item to the end of the agenda.

**CONSENT AGENDA.**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The April Consent Agenda includes the approval of the April Board Meeting minutes and the approval of the payment of bills.

*David MacQueen moved to approve the Consent Agenda.  
Tony Jose seconded the motion. The motion passed 7-0*

## **TREASURER'S FINANCIAL REPORT**

Tom Atkins presented the April Treasurer's Report

### Contents:

Balance Sheet  
Profit and Loss  
Check Register  
Budget Analysis

### Information Items:

Bank account balances as of April 30:

Bank of Lee's Summit-Checking	\$	50,000
Bank of Lee's Summit-Sweep acct	\$	328,935.55

These include reserves for:

Operations	\$	80,158
Dock self insurance	\$	30,000
Siltation	\$	30,000

Expenses for April:

Long term debt:	\$	164,891.69
Outstanding Dues/Fines	\$	89,294.08

Income during April

Dues	\$	56,491.64
Other Income Total	\$	28,074.31

Other Income includes:

Interest	\$	1,167.18
Clubhouse Rental	\$	694.86
Shoreline ads	\$	959.00
Boat Slips	\$	24,270.84
Resident ID's	\$	20.00
Finance/Misc fees	\$	234.93
Misc	\$	5.00
Fines	\$	200.00

Brian asked for the financial report to be filed for audit.

## **BOARD ANNOUNCEMENTS**

The Conservation Dept will be at Raintree Lake on May 10<sup>th</sup> at 8:30am to shock the lake and will produce a fish quality and quantity report within 120 days. This will be posted on the website.

### **Sunrise Point Development**

There is a potential for a special meeting the week of May 15<sup>th</sup> to discuss and perhaps vote on an agreement on an acceptable development agreement regarding Sunrise Point.

### **MO-Dot 150 Highway**

Brian gave an update on the expansion of highway 150. The first phase will be from 71 highway to Raytown Rd. The second phase will be from 291 to Horridge Rd. The last phase will be from Horridge Rd. to Raytown Rd. The highway will be very similar to Ward Road between 150 and Scherer with 45mph speed limits, raised grass median, sidewalk and multi-use paths, etc.

### **4<sup>th</sup> of July**

After many discussions and an informal survey on RLPOA News, it was decided to not change the date of the fireworks display, and hold it on July 4<sup>th</sup> as usual.

Lake Cleanup will be on May 13<sup>th</sup>. Details are in the Shoreline.

ArborMasters will be here on May 13<sup>th</sup>. Details are in the Shoreline.

The Coast Guard will have their inspections on May 13<sup>th</sup>. These are not required and provided only as a courtesy for Raintree residents.

The neighborhood garage sale is scheduled for May 18<sup>th</sup> – 20<sup>th</sup>

The Fishing Derby is scheduled for May 20<sup>th</sup>

### **OLD BUSINESS**

#### **Legal:**

Brian gave an update on the Lou-Aire / Duck Pond lawsuit.

Brian stated that RLPOA is in current negotiations with the developer concerning development of Sunrise Point.

Brian stated that Joe is in contact with the city regarding putting in a walking trail along Ward Road. He hopes to have a response in June from the city.

Brian stated that Joe has reviewed the contract for the new deck for the clubhouse and has approved it.

#### **Rental Pontoon Repairs**

*Mike Everly moved to approve up to \$5,500 for repairs to the rental pontoon.*

*Tony Jose seconded the motion.*



Charlie Sandman asked for the revenue numbers. Brian provided the revenue numbers for the last five years, and stated that the pontoon pays for itself if you exclude depreciation and major repairs. It is an amenity that is for the residents. *All voted in favor (7-0)*

### **Clubhouse rental**

Mr. Rudolph requested that the association wave the clubhouse rental fee for an Ex P.O.W. picnic that is open to anyone with a \$10 donation.

*Tony Jose made a motion to approve waiving the fee for the Sept 24<sup>th</sup> picnic for Ex-P.O.W.'s. Mike Everly seconded the motion. All were in favor (7-0)*

### **Common Ground request for replacement shrubs**

Rita Madison talked about the work the Garden Club has done over the years. She requested funds for new plantings by the Duck Pond and the Regatta islands. The guardrail that was put in place years ago at Raintree Drive and Cole Younger should be removed, as it is in an area where the road once was and it looks unsightly. The City of Lee's Summit concurs that it is no longer necessary. *Dave MacQueen made a motion to remove the guardrail. Tony Jose seconded. All were in favor (7-0)*

Dave MacQueen moved to approve up to \$1,457 for the new plantings at the Duck Pond and Regatta Islands as requested by Rita Madison. *Mike seconded. Those in favor: Tom Atkins, Cheryl Fritts, Tim Nydegger, Bob Orr, David MacQueen, Mike Everly. Opposed: Tony Jose. Motion carried (6-1)*

### **Appeal**

Michelle Bramble stated to the board that the letters she received regarding the absence of silt fencing on her property for two weeks in March during construction of their home were not timely and did not allow ample time to comply. Rachelle stated the letters were sent to the address of record and were returned to the office causing the delay. *Bob Orr moved to uphold the fine. Tom Atkins seconded. Those in favor: Tom Atkins, Cheryl Fritts, Tim Nydegger, Bob Orr, Mike Everly. Those opposed: Dave MacQueen Abstained: Tony Jose. The motion carried (5-1-1)*

### **Rental Pontoon Fuel Fee**

Brian Whitley stated that in previous years, the pontoon has been break-even excluding depreciation and major repairs. Increasing the half-day rate by \$5 and full-day rate by \$10 will offset the fuel costs, but probably will not cover the additional costs. We don't want to price the pontoon rental beyond what residents are willing to pay, although the new rate is still cheaper than what Jackson County Parks and Rec, and Lakewood require.

*Tony Jose made a motion to increase full day pontoon rates from \$135 to \$145, increase half-day rates from \$85 to \$90 and increase early bird rates from \$50 to \$55 to help offset the cost of fuel. The new rate would become effective immediately for new reservations only. Tim Nydegger seconded. All were in favor. The motion carried (7-0)*

### **Delinquent Boat Slip Policy**

Brian Whitley stated that there have been four appeals in the last two years where residents forgot to renew their boat slip lease on time. The board has voted three of these four times to allow these residents to keep their slip. Brian suggested allowing a two-week window where the office could follow up with residents in good standing regarding delinquent slip renewals.

*Tony Jose made a motion to amend the rule by adding to: "Lease expires on March 15<sup>th</sup> of next calendar year. Lessees shall be notified on or before January 15 of lease expiration date. Lessee shall have until March 15 to renew lease.", the following: "Residents failing to renew by March 15 will receive a certified reminder and courtesy telephone call with the ability to renew from March 16 – March 31 at twice the boat slip lease rate for the year (100% lease fee; 100% fine) Failure to renew by March 31 will result in loss of boat slip. Tom Atkins seconded.*

Some residents in attendance objected to what they said looks like a two-week extension of the lease.

*Those in favor: Tom Atkins, David MacQueen*

*Those opposed: Tony Jose, Cheryl Fritts, Bob Orr, and Mike Everly*

*Abstained: Tim Nydegger*

*The motion failed (2-4-1)*

### **Swim dock**

There was a discussion regarding the relocation of the swim dock at the clubhouse due to the new boat dock's proximity to the swim dock. Brian presented 7 different location options at the April work session. The one with the most support was directly across the causeway on the Sunset Cove side. The Lake Committee in their May minutes did not want it there and suggested the area behind the pool. A resident had previously expressed strong concern for that location at the work session.

*Bob Orr made a motion to move the dock approximately 50' south of its current location along the causeway. Cheryl Fritts seconded. Those in favor: Tony Jose, Dave MacQueen, Cheryl Fritts, Bob Orr, Tom Atkins. Those opposed: Mike Everly, Tim Nydegger.*

Brian reviewed the bids for the new swim dock to replace the one at Whistling Swan.

*Bob Orr moved to approve \$6,600 for the proposal from Kribbs. Mike Everly seconded. All were in favor.*

*The motion carried (7-0)*

Mike Everly stated that we need to take a closer look at safety regulations on the lake. We have a good safety record and would like to keep it. The Lake Committee has expressed a willingness to discuss these issues related to water patrol training, including the proper use of the equipment they use.

*Mike Everly moved to request the Lake Committee work with patrol supervisor to design optimum Lake Patrol training class. Tony Jose seconded. Those in favor: Mike Everly, Tony Jose, Cheryl Fritts, Dave MacQueen, Bob Orr. Those opposed: Tim Nydegger. Abstained: Tom Atkins. The motion carried (5-1-1)*

*Tim Nydegger made the motion to move the new boat dock in Normandy cove to the northwest corner contingent upon him being able to obtain approval from all ten lessees based on a resident complaint. Brian stated that the letter sent to all lessees clearly indicated that the new slips were to be on the north end of Normandy Cove and not the northwest corner. Tony Jose seconded. Those in favor: Tim Nydegger, Tony Jose, Cheryl Fritts, Tom Atkins. Opposed: Bob Orr, Mike Everly, Dave MacQueen. Motion passed 4-3*

Brian Whitley addressed the Lake Committee's concerns from their May minutes. Brian asked if the board needed to be involved in the issue of the alleged non-conforming boat lift on dock J. Brian asked Rachelle to send a letter to the owner to discuss this with the Lake Committee

Brian Whitley stated he draft a letter to Karen DeLany prior to striping the pavement on the north boat ramp in order to comply with our maintenance easement. Brian requested that Rachelle should check with the city of Lee's Summit, regarding the potential obligation of dedication of a handicapped parking space. It was decided that when striping at the ramp, to make sure the stripe continues to the crest of the ramp so that it may be seen as people are backing trailers down the ramp.

Brian Whitley asked the Lake Committee to investigate the cause of the excess water in the bilge of the new patrol boat, and determine the best course of action.

*Tom Atkins moved to adjourn to executive session at 9:13pm. Tony Jose Seconded. All were in favor.*

The executive session lasted until 9:55 p.m. Discussion was solely on Sunrise Point.

*Tim Nydegger moved to adjourn. Tony seconded. All were in favor.*

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**MAY 25, 2006**  
**WORK SESSION**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A work session of the Raintree Lake Property Owners Association was held on May 25th, 2006, at 7:00 PM. Members in attendance were: Tony Jose, Tom Atkins, Ed Gross, Tim Nydegger, and Mike Everly. Rachelle Vandiver also attended. Absent: Brian Whitley, Bob Orr, Dave MaQueen, and Cheryl Fritts.

Tony Jose called the meeting to order:

**DISCUSSION:**

**RF-5 Slip**

Lou Scicchitani who declined the offer to participate in the boat slip program would now like to buy out Danny King who did participate, but would like to back out, if he could get his money back. All present seemed to favor helping Lou find a way to make this deal, but acknowledged the importance of making sure others on the boat slip waiting list are treated fairly. This remained unresolved, and may be revisited at the next board meeting.

**Common Ground Committee Direction**

Rachelle asked for direction for working with the Common Ground Committee on their plans for monumentation throughout Raintree. Are the monuments at North Shore, The Duck Pond, and The Villas to be considered the standard for all future monuments? Rita Madison stated that if we go with this as the standard, the budget will need to be much larger if we want to see progress in any reasonable time frame. Rita has been working with Prairie & Wetland Center in Belton regarding Rain Gardens on common ground. Rita requested that the 2007 budget address the monumentation, with the priorities being the two main entrances into Raintree and the clubhouse. The two circle islands (Raintree Circle and Gull Point) are being visited for landscaping ideas. The Board suggested a plan for monumentation throughout Raintree, so it would not be piece meal.

Rachelle reviewed the RLPOA Tree Replacement Program, as an effort to encourage residents to adopt trees provided by RLPOA, which would be planted on common ground and watered by the resident. These trees should be 2' – 3' tall and are native to Missouri. Rachelle will place an article in the next Shoreline.

**RF/CH Docks**

Rachelle stated that the electrical problems at the CH dock have been resolved. The underwater bracing at the RF dock was not built to spec. Rachelle will talk to Ed Frazier of Elf Docks about modifying the dock to meet the specs of the contract. This discrepancy came to light when Jim Schmidt installed a lift that was approved by the Lake Committee that extended slightly beyond the end of the dock fingers. Mike Everly will talk to the committee at the next meeting to consider removing this type of lift from

the approved list, or instruct those using this type of lift to understand it cannot be extended to this length.

#### Commercial Vehicles

Tony discussed the commercial vehicles rule. Our current guidelines do not cover wood staked beds on pickup trucks. The office has received a number of complaints on one particular truck. The consensus was that we were not going to embark on another commercial vehicle guideline project at this time.

#### 4' Fences

Charlie Sandman was concerned about some fences that are 4' in height and are built like a privacy fence, without spacing between the vertical boards. The current rules are weak, but do encourage open style fencing except around patios and hot tubs. Some of these are getting past the ARB since this is not something that is specifically required on the application. Charlie suggested upgrading the rules, or modifying the application to require the inclusion of these details. Guidelines will be requested from the ARB.

#### Pool Update

Tim Nydegger gave his analysis of the heat exchanger. The heat exchanger has a 6 to 8" crack in the cast iron. The warranty covers shock to the copper tubing but not the heat exchanger itself. The factory representative believes the heat exchanger froze. Tim Nydegger's engineer disagrees. This equipment is not the type of boiler that should be used in an environment that has high chlorine content in the air, and is normally operated by pool operators and not qualified boiler operators. Olympic and Aquaticare's procedures (as with other pool companies) has been to turn off a pool heater, prior to back flushing. This was sending cold water into the boiler creating corrosion and eventually the crack.

The consensus is that we need to replace the entire unit with the proper heater. Board requested that it be placed on the consent agenda.

#### Common Ground Repair

Rachelle stated that a builder had graded the common ground behind a house he is building, apparently to improve drainage. He has been told to restore the area to its original condition. Common ground on Gull Point was also disturbed when a pool was constructed in the backyard. The resident called and stated they would repair all damage. The trench by the docks on Camelot, that was from the electrical work for the boat slips, has been repaired by our maintenance crew.

#### Charities

Rachelle has had many requests for free ads from charities. Ed suggested dedicating a section in the Shoreline for community events and public service announcements. It was decided to leave a quarter page area dedicated for this service.

#### Sherwin Williams

Rachelle has been approached by a Sherwin Williams representative to get Raintree to participate in their Neighbor to Neighbor program. There is no interest to do this at this time.

#### City Ordinance: Storage Containers/Rolloffs

The city will be discussing codes to address these issues. Rachelle will attend these meetings, follow the development, and report back to the board.

#### Source Molecular – Water Quality

Rachelle reviewed the water quality reports so far. There has been little rain this spring; the water quality is good everywhere except some high numbers in Hidden Cove and Sunset cove. Rachelle asked for direction on DNA testing. Since this is Brian Whitley's expertise, and the money for this has been budgeted, it was agreed that Rachelle should work directly with Brian.

#### Summerfest

No Activities Committee members were present. It was agreed that we should use Wald Fireworks again this year without obtaining multiple bids. This can be put on the consent agenda for the next board meeting.

#### Clubhouse Deck

Ed reviewed the progress of the deck project: The city has approved the plans for the deck. Ed wants to revise some of the specs and find additional bidders. He would like to put an ad in the paper to solicit bids. Tim Nydegger suggested a building association trade magazine that he is familiar with that should provide a good advertising value. Ed would like for us to consider upgrading the lighting on and around the deck as part of this project.

#### Detached Structures on Marline

A sofa is in an eagle's nest play structure behind a house on Marline. The play set was approved but clearly the sofa's existence violates the spirit and intent of the approval for such structures. Rachelle will draft a letter to the resident demanding its removal.

#### Spillway Rip Rap

The spillway is eroding and we may need to install some large aggregate to slow the flow to prevent the cutting of the rock ledges. Ed suggested bringing in an engineer, possibly July or August, for the dam inspection so we may obtain their opinions on this matter as well as recommendations for fixing varmint holes in the dam, the water in the dam valve manhole, and the spillway erosion. The budget has an allowance for a dam emergency plan, but nothing for dam and spillway repairs. We may need to reallocate budgeted funds to accommodate these items.

Tom Atkins moved to adjourn to executive session to discuss the latest concerns related to the Sunrise Point Development. Tim Nydegger seconded. All in favor

The executive session was adjourned at 10:07 pm



**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**JUNE 5, 2006**  
**SPECIAL MEETING**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A special meeting of the Raintree Lake Property Owners Association was held on June 5<sup>th</sup>, 2006, at 7:00 PM. Board members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Ed Gross, Tim Nydegger, David MacQueen, and Mike Everly.

The purpose of this meeting was to discuss the proposed development agreement offered by the developer of Sunrise Point.

Brian Whitley called the meeting to order and followed a power point presentation detailing the events leading to the present situation and offer by the developers of Sunrise Point.

Brian Whitley called for technical questions from the residents about the presentation.

Bob Christian was concerned about how repairs to the spillway will be conducted after this area is developed.

Shirley Thomas stated that we should be aware that if utilities are installed in the areas below the dam, these would obviously be at a level below the home's basement floor, requiring extensive excavation, with potential danger to the dam.

Phil Clark wanted to know who would manage the proposed storage area below the dam, and what are our assurances it would be well managed?

Pat Green asked if the 50 proposed 4-plexes could become 6-plexes after the city approves the plan.

John Smith was concerned with the language in the developer's agreement regarding the transfer of tract C.

Has an independent engineer endorsed the Dressler Plan?

How will the developer preserve and protect the property and property values of our community?

Elaine Lang asked if there are plans to make the dam stronger due to the additional burden of traffic and utilities of the proposed plan.

Bill Trowbridge stated that his understanding is that this proposal is a watered down version of previous discussions. What were the previous discussions?

Ken Sharp stated that other prospective developers have provided detailed plans of what they intend to build. Has this developer provided any details?

The 3.8 acres that are being considered for boat parking appear to require substantial improvements to be useful to the association.

What do #6 and #18 of the developer's agreement mean?

Pat Spaulding asked if these properties could be rental properties, and has anyone studied the effects of rental property on a community?

Can our lake accommodate the additional residents that this development will add to the area?

Tom Tucek asked for a laymen's explanation of article 22 of the developer's agreement.

A.J. Williams Asked about the sewers. Aren't we at full capacity now?

Donny Brouhard asked if there is anything in writing about these properties not becoming rental units.

Phil Clark asked if these multi family units will have the same parking restrictions as the rest of RLPOA.

Shirley Thomas asked about article 13 of the developer's agreement that allows the developer to turn over common ground in "as is" condition.

Brian Whitley addressed these concerns:

The board recognizes that access to the spillway is critical to the safety and integrity of the lake, and the rate of erosion has been on the forefront of concerns to the Board.

Regarding the acceptance of common ground, Brian reviewed the current guidelines required for the ceding of common ground. The density of the development on Tract D would be limited due to the city's requirement of egress which would limit the development to 50 units. However, there could be an agreement with an adjoining developer to connect a street to negate this provision.

Joe Willerth spoke to the legal concerns: Regarding the turnover of Tract "C", paragraph 18 of the developer's agreement would require RLPOA to all easements necessary. We requested a definition of this clause. We received a response that required a blanket approval. Article 22 of the developer's agreement would have to be in writing. Joe read this as "boiler plate" and had no problem with it, in its context. There was no indemnification of RLPOA in the developer's agreement and this is clearly unacceptable. Joe mentioned that the building standard of the storage units included a stucco exterior in all of our negotiations with the developer until the final proposal.

Brian Whitley stated that the Dressler report is clearly in favor of the developer. Jim Alexander provided an opinion that was quite different from the Dressler report. The developer has stated that blasting is an option, and would only be considered if jack hammering was not sufficient.

The board has spent countless hours working back and forth with the developer and this final demand from the developer was received late Wednesday afternoon with little time to respond.

There are no plans from the developer that would make the dam stronger.

The board's goal has been to protect and enhance values of shareholders in this negotiation process.

There are no pictures of proposed structures. The only details relating to the structures are on our website. The materials provided with the Charette contained some pictures. The 3.8 acres on tract C will require substantial improvements to be of value to RLPOA.

There have been numerous talks about excess overflow holding basins (EOHB) due to the enormous demand on the current infrastructure.

Sewer studies were part of the application by the developer.

There are no assurances by the developer regarding the potential development becoming rental units, and there are no restrictions in our covenants restricting this from happening. We have not researched crime statistics for rental property.

Based on current statistics, the proposed development would result in approximately 50 more boats being allowed access to the lake.

We have asked for copies of plans of the dam on many occasions. We have also asked for plans for the clubhouse and have been denied on both of these requests. We could have used the plans for the clubhouse while we have been processing a plan for a new deck.

Charlie Sandman stated that paragraph 7, page 2 of the developer's agreement was not clarified by Joe Willerth. He is also opposed to any new boat slips being added to the lake, and if we bypass the 1996 rule of no transferring when a house is sold, we may end up in a legal mess.

Tom Tucek stated that if the P-mix rezoning is approved, it can be adjusted 10 % without a city council vote. Tract E is already zoned single family. Why is this included in the P-mix rezoning application? Article 3 is in violation of the covenants of RLPOA, and these rules were written by the developer. The charette had hard promises, this plan has none. There is no indemnification here protecting RLPOA. We should demand plans to the dam regardless of this deal. The special use permit is part of the P-mix which grants automatic approval, unlike the special use permit we have with our maintenance building which is required to be reviewed after a certain number of years. If Ira flips this property, would this agreement be binding on a future developer? We should be concerned about "covenants to be created" which could be restrictive to RLPOA use.

Donny Broughard stated that at one time Ira had included boat parking on the north side, and now he has said no. Even if RLPOA helped defray the cost, Tract C is too far away.

A resident stated that this latest proposal took out the south boat ramp.

Ken Sharp asked if we knew what Lake Winnebago's position is.

Brian Whitley stated that they were in opposition. They are not part of the protest petition since it would be invalid as they are in a different municipality. Their concerns have been

mostly related to storm water runoff, and our access to their water. As of Wednesday, they had no agreement with Ira.

Shirley Thomas asked if the houses on the lots by the dam will have basements. Brian said the plans did not specify.

Shirley Thomas said that the multi family units may present a problem for dues collection. Rachelle said that percentage wise, single family is a bigger problem.

Vanita Windhausen stated that we currently have a problem with boats and trailers in driveways and streets. If these were rental properties it would be much worse. How do we prevent this?

Brian stated that RLPOA does not have control of what is parked in the street.

Paul Roberts Jr., talked about the likelihood of rock blasting being necessary for development around the dam. When developing The Duck Pond, they hit rock and had to use a jack hammer to get through it. Prior to developing The North Shore, the core samples showed no presence of rock but found quite a bit of rock when installing utilities. It is very likely that Ira will find rock also. RLPOA should add a provision to the developer's agreement to require seismographic information be copied to RLPOA. Paul does not like the language of paragraph 13 that states RLPOA will withdraw support. Significant changes can occur after the city council approves the rezoning. Additional changes can be approved by the planning commission without going to the city council.

John Smith said to let the developer know he is not in charge. His plan needs to be postponed until RLPOA has time to put together their own plan. This is a bad development agreement, and we have no need for a storage facility.

Mike Everly asked those present to please remember to show up at the city council meeting on June 15<sup>th</sup>.

Dan Croft, lot 610 stated that he is very pleased with the new sidewalk. The developer's agreement states that for a sidewalk to be installed on tract C that 5 of the 7 homes will have to agree. They will never agree.

Randy Palmer stated that there have been numerous dam failures throughout the country. How do we protect ourselves?

Tom Tucek said that he hopes the board does not consider this as it is. A take it or leave it offer.

Brian Whitley asked for a show of hands in favor of the developer's agreement. No hands were raised. Those opposed. All hands were raised (about 70).

Ed Gross moved to reject the development agreement as proposed by the developer.

Mike Everly seconded. All were in favor. The motion passed 6-0.

Tom Atkins moved to adjourn. Tony Jose seconded. All in favor.

**ADJOURNMENT:**

The meeting was adjourned at 8:47 PM.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
JUNE 13, 2006**

**DETERMINE QUORUM AND CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on June 13, 2006, at 7:00 p.m. Members present were: Brian Whitley, Tony Jose, Ed Gross, Dave MacQueen, Bob Orr, Mike Everly, and Tim Nydegger. Tom Atkins and Cheryl Fritts were absent.

Brian called the meeting to order at 7:00 p.m. and announced a quorum.

**OPEN FORUM**

Brian Whitley announced there would be ten minutes allowed to hear residents' concerns, complaints, and questions. Brian asked the residents to please state their name and address before speaking.

Reverend Harold Johnson, 4121 James Younger, stated they moved here from Raytown where they owned their home with a swimming pool. They had a group of teens from Iowa that came down every year for the past four years to work on Habitat homes and this year with the Salvation Army. The teens found out the Johnsons had moved and no longer had a pool but they told them they had a clubhouse with a pool. Reverend Johnson requested pool passes for 26 teenagers and their adults for next Wednesday, June 28. Brian explained that each lot has ten guest passes and they could purchase additional ones. He also explained the policy of calling ahead to let the pool attendants know they would be having large groups at the pool. Reverend Johnson asked that the \$32.00 be waived as they are here working for a worthy cause. Bob Orr said he would pay the \$32.00. The Board asked for a motion.

*Ed Gross moved to approval the \$32.00 waiver for the 26 guest passes. Tim Nydegger seconded the motion. Motion passed 6-0.*

Shirley Thomas, 315 SW Sapelo, stated that the Common Ground Committee met with Warren Oblinger in regards to monumentation for Raintree Lake community. Warren will be working towards a rough sketch of three styles of monuments and, hopefully, will have these ready by September for our budgeting process. The three priority locations are 291, Regatta, and the Clubhouse. Ed Gross indicated that the old Raintree signage was in the storage area at the pool. There are also drawings in the downstairs drawing room at the Clubhouse that might be useful when we get ready to do the monuments. We will be looking at the old signage but don't know if it can be used. The drawings downstairs are what the Roberts family had designed and not probably what we would be using.

## CONSENT AGENDA

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The June Consent Agenda includes the approval of the May Board Meeting minutes, approval of the payment of bills, Special Meeting minutes, the Riverside heater for the pool, Summerfest for July 1, fireworks for July 4, and the teen swim events.

*Tony Jose moved to approve the Consent Agenda.*

*Mike Everly seconded the motion. Motion passed 6-0.*

## TREASURER'S FINANCIAL REPORT

Brian Whitley presented the May Treasurer's Report.

### CONTENT:

- Balance Sheet
- Profit and Loss
- Check Register
- Budget Analysis

### INFORMATIONAL ITEMS;

Bank Account Balances as of May 31

Bank of Lee's Summit – Checking	\$ 50,000.00
Bank of Lee's Summit – Sweep Account	\$ 351,828.24

These Include Reserves for:

Operations	\$ 80,158.00
Dock Self Insurance	\$ 30,000.00
Siltation	\$ 30,000.00

<u>Expenses for May</u>	\$ 108,110.07
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Long-Term Debt	\$ 159,241.60
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Outstanding Dues/Fines as of	\$ 65,198.29
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Income During May:

Dues	\$ 67,262.45
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Other Income Total	\$ 56,765.53
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Brian asked for the financial report to be filed for audit.

## BOARD ANNOUNCEMENTS

### Sunrise Point Development

This is the 130-unit development along the dam. This is scheduled for Thursday, June 15, at 6:15 p.m. before the Lee's Summit City council. Brian stated it is really important for residents to attend the meeting as there are four-plexes, six-plexes and storage units, all below the dam or along the dam. We have a



valid protest petition on file representing 41% of the properties which requires a two-thirds majority of the City Council in order to approve the rezoning application. The information we have indicates it is critical that residents attend because we will be fighting an uphill battle on this. So please encourage all your neighbors to attend. We had about 70 residents in attendance at the meeting on June 5, and all 70 voted in favor of declining the development agreement part of which would have removal of some four-plexes and boat trailer parking but had other particulars as to when and where we can put our sidewalks and when and where we can place our boat slips, etc. The Board unanimously declined that proposal and it's going forth to City Council this coming Thursday.

### **Deck Proposal**

We are replacing the deck outside the Clubhouse which is quite an expensive project. We are currently seeking proposals and we have a bid closing of 4:30 p.m. on June 30. If you're interested or know anyone else interested in deck repair work, you may go to our website and click on the "deck" link and you can get the 58-page document. Ed Gross has worked hard spearheading this and pushing it forward.

### **MODot – 150 Highway**

There is a community coffee on Tuesday, June 27, from 7:00 to 8:30 p.m. at Trailridge Elementary, 3651 SW Windemere Drive. If you're interested in the 150 Highway improvement project, what the time frame is, and scale, and what it will look like, you can attend that meeting or go to our website. In brief, it looks similar to Ward Road. It will have a 45 mile-per-hour speed limit; there will be four lanes, a median, a multi-use path, a sidewalk, and stop lights about every one quarter of a mile.

### **OLD BUSINESS**

Joe Willerth prepared a legal report on Lou-Air and Raintree vs. MODot and Cape and Sons with respect to litigation. The court set a status conference on Friday, September 8, 2006 to ensure Cape and Sons has entered their appearance and, hopefully, this matter will be set for mediation prior to that date. Other additional information provided us actually was a court-ordered mediation for siltation at Duck Pond whereby Karen Delany and her attorney are suing for about \$120,000 in damages. Raintree is a secondary party petitioning in that matter.

### **Ward Road Sidewalk Project**

This is part of the sidewalk continuation project that the Board is looking at doing, completing the project on the north side and continuing along to the south side. For the Ward Road sidewalk project, a proposal was approved by the Public Works Committee at its June 7 meeting and is set for City Council approval on June 15. That proposal is on their Consent Agenda. Joe provided us some information on that. He pretty much said that any license with the City is definitely in our favor.

### **Boat Slip RF-5 Dispute**

Joe provided us legal guidance on this matter. He was forwarded the boat slip lease agreement of Danny King on RF-5 and was asked that if Mr. King terminates his lease, can the lessee negotiate a new lease agreement with Lou Scicchitano. King or should it go to the next person on the waiting list. Joe Willerth stated, "In my opinion, if Mr. King does not wish to terminate the lease agreement, he may sub-lease the slip to the other gentleman for the current year. If, however, Mr. King wishes to terminate the lease of May 8, 2006 and receive a refund in the amount of \$2,895.29, which has been paid, the Board has the discretion to terminate said lease. But upon acceptance and termination of the lease, the other gentleman would have no right with respect to same. In my opinion, the boat slip should then be offered to the next person on the boat slip waiting list."

### **NEW BUSINESS**

We had a complaint from a resident regarding the landscaping of his neighbor. Brian Whitley showed slides of the landscaping. Bill Brady, the resident, felt the landscaping obstructed his view of open space because a shrub was taller than he thought it should be. A Board member stated he felt the landscaping was in accordance with our By-laws and would welcome the resident in question as a neighbor. Discussion followed but no action was taken. The resident with the landscaping agreed to remove some burning bushes.

Mr. Scicchitano is the gentleman who wants to purchase the RF-5 boat slip from Danny King. He states that he is on the boat slip wait list and should be able to purchase the slip. His wife nixed him initially purchasing into the new boat slips because they were quoted a price of \$4,000 and now they are \$2800. He doesn't feel it should go to the next person on the waiting list but to the beginning of the list of those wanting to buy into the new boat slips. Mr. Scicchitano stated that he didn't mind sub-leasing but that Mr. King just wants to get rid of it. Brian stated that Joe Willerth had provided his legal opinion. The question is what part of Mr. King's money the Board will refund to him. Discussion followed among Mr. Scicchitano and the Board members.

*Ed Gross made the motion that the Board contact Mr. King to get his written request for termination and that we move up the list to the next interested party to re-lease the boat slip. That we would refund the money if we can find someone else to pick up the full amount of contract. Dave MacQueen seconded the motion.*

*Motion passed 5-0-1. For: Tony Jose, Tim Nydegger, Dave MacQueen, Mike Everly, and Ed Gross. Bob Orr abstained.*

### **ADJOURNMENT**

*Tony moved to go to an executive Session. Tim seconded the motion to adjourn.  
Motion passed 6-0.*

Board meeting adjourned at 7:51 p.m. and the Executive Session adjourned at 9:00 p.m.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**JUNE 22, 2006**  
**WORK SESSION**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A work session of the Raintree Lake Property Owners Association was held on June 22, 2006, at 7:00 PM. Members in attendance were: Tony Jose, Tom Atkins, Bob Orr, Ed Gross, Tim Nydegger, and Mike Everly. Rachelle Vandiver also attended. David MacQueen and Cheryl Fritts were absent. Brian Whitley arrived at 8:00 PM

**DISCUSSION**

**Bicycle loop**

Steve Casey and Foster Paullette, from the Lee's Summit Parks and Recreation, attended the meeting to present their ideas for a bicycle loop on the city streets within Raintree. Designation of a bicycle loop would consist of signage with directional arrows and "share the road" signs. It may also include striping in areas where practical. Tony stated that we would discuss this further and provide feedback within 4 to 6 weeks.

**Swim dock and swim beach**

The swim beach and the swim dock next to the clubhouse are places where we have had many complaints about loud noise, littering etc., usually late at night. Moving the swim dock is one option, but was not well received as the solution. The bank along the causeway is in need of rip rap, and Rachelle asked for direction as to whether or not we wanted to do this section soon, and if it should it include covering the sandy area. Rachelle will research the feasibility and cost associated with building a new swim beach farther from the clubhouse parking lot.

**Clubhouse deck**

Ed Gross stated that we are nearing our self imposed deadline of June 30<sup>th</sup> to issue requests for proposals, for demolition and construction of a new deck. The construction specifications that will meet the standards of 100 lbs per square foot load capacity are beginning to look like the cost will be much greater than originally anticipated. Ed would like to include language in the requests for proposals, which would encourage the contractors to offer alternative construction materials and techniques if it is to our advantage.

**Walking trail**

Ed Gross asked the group if there were any concerns with the current plan for construction of a walking trail from Raintree Parkway to Raintree Drive. Requests for proposals will go out in the next 30 days.

**Waterscape A**

The waterscape on the north end of the estates area does not maintain a good water level. The cause may be that it just simply does not have enough high ground around it to provide water, or there may be other considerations we are not aware of. Rachelle will draft a letter to send to the residents in the direct vicinity, asking them to attend next month's work session to brainstorm this issue.

**Steps on shoreline**

Concrete steps, and rocks arranged to serve as steps to the water's edge, are being discovered in a few places around the lake. Currently the rules do not allow residents to modify or build structures on common ground. Some of these seem well built, while others appear rather shoddy. Improving the common ground to a park like setting is a goal of the board, and we may want to consider allowing residents to make improvements if they add to the beauty and functionality of the common ground. However, there are many things to consider, such as liability, future maintenance, and deciding what actually is an improvement that is of benefit to all who use the common area. Rachelle will document what structures are there now, and attempt to draft a recommendation for a new policy to allow quality improvements to the common ground. Ed Gross suggested that the wording in an easement document may be a good place to start.

**Police patrols**

All present agreed to a pilot project of hiring off duty Lee's Summit policemen over the next six weeks to patrol the problem areas within Raintree, and make arrests if necessary, in an attempt to deal with the ongoing disturbances. \$1,500 will be allotted to this project to be voted on at the next board meeting.

**Sunrise Point process**

As directed by the Mayor of Lee's Summit, a group with city councilmen Ron Williams and Randy Rhoads as facilitators will work with the developer of Sunrise Point and the board of the RLPOA. The first meeting will be with board members and residents to discuss the chronology of events concerning the development process. From this group of individuals a smaller group will be determined for direct talks with the developer.

Tom Atkins moved to adjourn. Mike Everly seconded. All in favor.

The meeting was adjourned at 8:30 PM

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**JUNE 29, 2006**  
**SPECIAL MEETING**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A special meeting of the Raintree Lake Property Owners Association was held on June 29th, 2006, at 7:00 PM. Board members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Ed Gross, Mike Everly and Cheryl Fritts. Also in attendance were Rachelle Vandiver, RLPOA General Manager; Karen DeLany and Paul Roberts, from North Shore; Barbara VonArb, from Raintree Villas; Gary Kramer from Lake Winnebago Siltation Committee.

The purpose of this meeting was to discuss developing a plan for the development of Sunrise Point.

Brian Whitley called the meeting to order.

Brian stated, as directed by Karen Messerli, mayor of Lee's Summit, RLPOA will take the lead in working with the developer of Sunrise Point, to develop an acceptable development plan.

Brian summarized the details of the City Council meeting, and previous discussions and expectations from those who attended the Charette conducted by the developer.

Ed Gross stated that we need to go back to the original plan that was presented to the community.

Mike Everly thanked everyone for showing up at the city council meeting.

Paul Roberts stated that he stands by the statements made by the city council in regards to their objections to storage buildings below the dam. The board needs to hold the developers of Sunrise Point to the same standards that they have imposed on all other developers within Raintree. Also, we should get in writing, any promises and proposals to build monumentation within Raintree.

Karen DeLany requested that it be of a standard comparable to The Villas, and North Shore.

Paul Roberts stated that the one acre lot at the entrance to Raintree would be ideal for monumentation.

Karen DeLany stated that if storage is considered, than we should limit it to boats and trailer storage.

Barbara VonArb stated that she would prefer the land below the dam preserved as green space.

Gary Kramer (Lake Winnebago) stated that silt entering Lake Winnebago is their main concern. They have been watching development upstream and within their watershed and have been documenting every building process they can, and will continue this practice during any development at Sunrise Point.

Mike Everly asked how multi family homes could be built below the dam and below the 962' level. Brian stated that the RLPOA covenants only prohibit single family homes from being built in these inundation zones.

Charley Sandman asked Paul Roberts if he had dropped his contention regarding setbacks on Sunrise Point. Paul said that they were more concerned with landscaping and aesthetics, and his main objection is to lack of details about landscaping and monumentation. Charley recommended that we ask for setbacks equal to those of North Shore.

Ed Gross asked what reason would there be to include tract E in the P-mix application, listing it as single family, when it is already zoned single family. Paul stated that different setback requirements may be the reason.

Judy Schmoeger stated that she lives in the second house from the spillway, and would like to see the development as something positive for the neighborhood. Regarding the sanitary lift station, if this area is built as multi family, it will surely become rental property. She would like to see tract D as green space also. Could we trade the 6 lots for some of this land? Are there other alternatives?

Tom Tucek stated that the lift station is very odorous and is not a good location for amenities. We need to negotiate from a position of strength starting with demanding large portions of green space. We need to eliminate the 4-plexes and 6-plexes. No storage below the dam including boat storage. No blasting at all, anywhere near the dam.

Ken Sharp stated that he has a tape of the city council meeting if anyone needs to review it. Agrees with the position of strength comment; no storage; no multi-plexes; include the size of the houses in the negotiations; and get this in writing. This developer has a history of not abiding by oral agreements. We should be very cautious about converting R-1 to P-mix.

John Jeffries stated that he is in agreement with most of what has been said so far including no storage. Tract E would be ideal for a boat ramp and parking. He is against C and D having 4 and 6-plexes. This will hurt property values.

A J Williams asked where the blueprints for the dam are. Brian Whitley stated that the mayor told Ira, at the city council meeting, to give these to RLPOA.



Brenda Miller stated that at the city council meeting, Mike Dodig mentioned an offer of tract C being given to RLPOA free and clear. That was an inaccurate statement, and these types of things need to be in writing.

Ed Gross asked Paul Roberts if he viewed Cobblestone as an example of acceptable housing. Paul responded that he saw no problem with this and has not heard anything negative.

Ken Sharp stated that he would prefer Villas to Cobblestone. We don't have enough details from the developer. Have we heard anything from the developer?

Brian Whitley stated that we are setting dates to speak with the developer. We will meet with Ron Williams and Randy Rhoads to facilitate discussions. The developer has expressed an interest in discussions.

Judy Schmoeger stated that Cobblestone is ok. Can we really compare these to that? We haven't seen enough details from the developer.

Charley Sandman stated that we have not had our hand out. We just asked the developer to do what he said he was going to do.

Brian Whitley asked the group if they were ok with single family homes on tract A along the intersection next to existing single-family homes with green space and recreational areas below the dam. All seemed to approve of this.

Joe Willerth stated that the board should consider all points made, but do not attempt to come to a final negotiating position on the record.

Tony Jose asked Ken Sharp if he had any numbers from a traffic study that would be helpful. Ken said that if the storage was eliminated and housing density decreased, the problems may be alleviated, but we need to do an independent study.

Karen DeLany stated that at the upcoming deliberations RLPOA will have to compromise. We will not get what was originally promised.

Brian Whitley stated that we will continue to communicate with the community through the website and E-mails. We will pass on any information that we can.

Mike Everly made a motion to move to executive session to discuss and select the negotiating team. Tom Atkins seconded. All in favor. The open meeting ended at 9 pm.

The executive session was attended by the present board members and Joe Willerth, Tom Tucek, Karen DeLany, Paul Roberts, and Barbara VonArb.

At 9:50 pm Tom Atkins made a motion to adjourn. Mike Everly seconded. All were in favor.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
EXECUTIVE SESSION  
July 11th, 2006**

A special session of the Raintree Lake Property Owners Association was held on July 11th, 2006, at 6:30 PM. Board members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Mike Everly, Ed Gross, Tim Nydegger, Dave MacQueen, Cheryl Fritts, Bob Orr. Also attending were: John Smith, Tom Tucek, Paul Roberts, and city councilmen Randy Rhoads and Ron Williams

The purpose of this meeting was to establish a negotiating team with understood goals and objectives to work with the developer to come to an acceptable agreement regarding the development around the dam.

Brian Whitley summarized the events leading up to this meeting for the benefit of those not on the board. There was a lengthy discussion regarding previous negotiations and what directions the negotiators should go to achieve an objective that would be beneficial to the residents of Raintree and the developer.

The group agreed to limit the negotiating team to Brian Whitley, Mike Everly, and Tony Jose.

The meeting adjourned at 7:45pm

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
July 11th, 2006**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on July 11th, 2006, at 8:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Mike Everly, Ed Gross, Tim Nydegger, and Cheryl Fritts. Also attending was Rachelle Vandiver. Absent were: Dave MacQueen and Bob Orr.

Brian Whitley called the meeting to order at 8:00 P.M. and announced a quorum for the Board meeting.

Tim Nydegger moved to approve the agenda. Tony Jose seconded. All in favor.

**OPEN FORUM**

Charley Sandman asked if there would be an update on Sunrise Point. Brian stated that there was nothing more to report since June 29<sup>th</sup> as no meeting with the developer has

occurred.

Penny Wilkerson stated that help is needed on her street during fireworks displays. Residents are shooting fireworks in a dangerous manner and leaving a lot of debris. Shirley Thomas suggested an article in the Shoreline asking people to clean up after using fireworks.

Darrell Bennett stated that Jeremy Rapp was willing to join the ARB but is not here tonight to be appointed. Brian suggested inviting Jeremy to the next work session, on July 27<sup>th</sup>. We can make that a special meeting and appoint him at that time.

### **CONSENT AGENDA.**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The July Consent Agenda includes the approval of the June Board Meeting minutes, the approval of the payment of bills, and approval for up to \$1,500 for additional security. All were in favor.

### **TREASURER'S FINANCIAL REPORT**

Tom Atkins presented the June Treasurer's Report

#### Contents:

- Balance Sheet
- Profit and Loss
- Check Register
- Budget Analysis

#### Information Items:

Bank account balances as of June 30:

Bank of Lee's Summit-Checking	\$	50,000
Bank of Lee's Summit-Sweep acct	\$	310,503.54

These include reserves for:

Operations	\$	80,158
Dock self insurance	\$	30,000
Siltation	\$	30,000

<u>Expenses for June:</u>	\$	109,429.06
Long term debt:	\$	158,035.89
Outstanding Dues/Fines	\$	56,239.08

Income during JUNE

Dues	\$	71,359.46
Other Income Total	\$	14,427.90

Brian asked for the financial report to be filed for audit.

Charley Sandman said he would like to see a year to date report. Brian said he could post it on the website.

Tom Tucek noted that there seemed to be a lot of outstanding dues. How many liens have been filed? Brian stated that he would forward these details to Tom Tucek.

Charley Sandman stated that he would like to see a list published of residents who are delinquent.

## **BOARD ANNOUNCEMENTS**

The deck bid deadlines are being extended to July 17<sup>th</sup>.

The walking trail bids are open until August 4<sup>th</sup>.

The Lake Committee is requesting we allow only bright yellow or orange flags for use on the lake.

Charley Sandman asked why the deck bids were extended. Ed Gross stated that this was because of engineering changes due to the expense of this project. Bid amendments were added.

## **LEGAL**

There was no legal report.

## **BICYCLE LOOP**

Tony Jose reviewed the presentation made at a work session by Steve Casey and Foster Poullette, from the Lee's Summit Parks and Recreation, regarding the bicycle loop being planned by the city. Tony stated that the plans are already underway, and the board had objections to the design being one of a destination trail instead of a continuous path connecting to an existing trail. Residents had many questions and objected in general to the entire proposal for safety and crowding concerns.

## **NEW BUSINESS**

Michael Mihalevich appealed his fine for failure to display a current boat sticker. *Tom Atkins moved to sustain the violation. Cheryl Fritts seconded. The motion passed, 6-0.*

Reck Staggs appealed his fine for parking a trailer on his lot. Several Board members had concerns that the letter was sent to the wrong address and it was not clear that the trailer was out for 72 hours.

*Tony Jose moved to overrule the violation. Mike Everly seconded. Those in favor: Cheryl Fritts, Tony Jose, Mike Everly, Tom Atkins. Against: Ed Gross. Abstained: Tim Nydegger. The motion passed 4-1-1*

Fred Graeff appealed his fine of \$200 fine for starting construction without ARB approval. Several Board members had concerns that the object in the picture was just a temporary structure demonstrating what the project would look like and not the actual project. *Tom Atkins moved to sustain the violation. There was no second. Ed Gross moved to overrule the violation. Cheryl Fritts seconded. Those in favor: Ed Gross, Cheryl Fritts, Tim Nydegger. Against: Tom Atkins. Abstained Tony Jose and Mike Everly. The motion passed 3-1-2.*

Tom Atkins moved to adjourn. Mike Everly seconded. All in favor.  
The meeting adjourned at 9:20 pm.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**  
**JULY 27, 2006**  
**SPECIAL MEETING**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A special meeting of the Raintree Lake Property Owners Association was held on July 27th, 2006, at 7:00 PM. Board members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Ed Gross, Mike Everly, Dave MacQueen and Tim Nydegger. Also in attendance was Rachelle Vandiver. Cheryl Fritts and Bob Orr were absent

Brian Whitley called the meeting to order.

**URS Corp**

Brian introduced Dr. Charles Cammack from URS Corp. Ed Gross, Rachelle Vandiver, and Brian Whitley have met with him to review the current condition of the dam, the integrity of the spillway and the drain valve. Dr. Cammack gave a presentation of URS Corp. and his experience working with communities regarding their dams and spillways. Annual maintenance inspection would be about one half day's work, including photo documentation sent to the state. He would provide a proposal for the issues of erosion and the maintenance of the drain valve. Ed Gross will be the contact person for Cammack.

**ARB Nominee**

Jeremy Rapp was not in attendance for this discussion.

**Seascape A**

Residents from lots 1024, 1025, 1026, 1030, 1033, and 1035 were in attendance to discuss this waterscape near their homes. This waterscape is at least 4 feet below full pool and does not maintain an adequate water level. Options are: drain the area and fill it in; periodically pump water from the lake to fill it up; look for a qualified contractor to repair and seal the waterscape. Joe DeMarco and Steve Palmateer will work as liaisons for this project.

**Seascape O and the 9<sup>th</sup> Plat**

The board received a landscaping proposal from the developer for this area, to which the board has 30 days to respond, or accept as is. Brian reviewed the proposal. Concerns are: maintaining a full pool in the waterscape; size and type of rip rap to be used; and types of trees to be planted. Accepting this area in less than acceptable condition will result in an ongoing liability for RLPOA. The office will contact residents around the waterscape to determine what written promises were made to them by the developer.

**I-470/M-50**

Brian reviewed the I-470/M-50 interstate construction plans from MODOT. These can be viewed on our website.

### **Sailboat Courtesy Slips**

The new docks at the clubhouse include overhead bracing, which does not allow for sailboats with masts to enter the courtesy slips. No solutions were presented to remedy this situation, other than to switch leased slips so sailboat owners could be closer to the clubhouse.

### **ARB Fence recommendation**

Per recommendation from the ARB, Tony Jose moved to amend the fence guidelines to read:

- 1) 48" wood picket with 2-3" spacing between pickets
- 2) 48" aluminum (either black or white) with spacing between pickets
- 3) 48" welded steel (either black or white) with spacing between spindles
- 4) 48" vinyl (white) with spacing between pickets

Shadow box style allowed on arterial roads only. Picket style are recommended. Any variation other than above listed will be on a case by case basis. No new chain link fences will be allowed.

Ed Gross seconded the motion.

For: Tony Jose, Tom Atkins, Ed Gross, Mike Everly, and Tim Nydegger

Against: Dave MacQueen

The motion passed 5-1

The ARB Regulations will now read:

### **MATERIALS AND FINISH FOR FENCES**

- (A). Wood fencing or screening will be approved if the design is in conformity with the architectural design of the community.
- (B). The Board will not approve an application for the installation of chain link or other galvanized metal fencing.
- (C). All fencing or screening should preferably have finish material on both sides. If only one side has finish materials, that side must face the public side of the individual lot. The Board recommends rail or picket type construction.  
Recommendations include:

- 1) 48" wood picket with 2-3" spacing between pickets
- 2) 48" aluminum (either black or white) with spacing between spindles
- 3) 48" welded steel (either black or white) with spacing between spindles
- 4) 48" vinyl (white) with spacing between pickets

Shadow box style fences are allowed on arterial roads only. Any variation other the above will be reviewed on a case by case basis.

- (D). Walls above grade should be constructed of natural stone, masonry, or attractive lumber.

### **Deck contractor's proposals**

Ed reviewed the process to date: We received a rough estimate in the beginning. After the engineering review, it was determined that the current deck does not meet code, even at the time it was built, and contains many deficiencies. Bidders were encouraged to submit alternatives to the proposed plans. Meetings are scheduled with some of the bidders to discuss their proposals. Brian asked Rachelle to check with the Better Business Bureau and Attorney General's Office to see if there are any known problems with any of the products and contractors that we are considering using on this project.

**Lake Committee recommendation (flags)**

The Lake Committee would like the water patrol to begin verbally informing boaters to remove their flags when there is no one in the water. Some boaters are moving them lower, or folding them, but not removing them from sight. Also, enforce the faded flag part of the rule which states it must be a bright red or orange flag. Tony Jose moved to amend the lake rule to state flags must not be visible when person is not in or on the water.

Mike Everly seconded. All in favor. The motion passed 6-0.

Article VI, Section 7 of the Lake Regulations will now read:

- 7. Flag: All watercraft including Personal Watercraft must display a BRIGHT red/orange flag during all hours between sunrise and sunset whenever a person is out of the watercraft, whether in or on the water. The flag must be visible for 360 degrees. Flags must not be visible when a person is not in or on the water.**

**Priority rankings**

Brian reviewed the boards published priority rankings list.

Mike Everly moved to adjourn. Tom Atkins seconded. All were in favor.  
The meeting adjourned at 9:24 p.m.



**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
AUGUST 8, 2006**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on August 8th, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Mike Everly, Ed Gross, Tim Nydegger, Dave MacQueen and Bob Orr. Also attending was Rachelle Vandiver. Absent: Cheryl Fritts.

Brian Whitley called the meeting to order at 7:08 P.M. and announced a quorum for the Board meeting.

Tony Jose moved to approve the agenda.  
Tim Nydegger seconded.  
All in favor.

**OPEN FORUM**

Richard Blackmon spoke to the board regarding an ARB violation he received for beginning construction of improvements to his deck without prior approval.

Tony Jose moved to table this to another meeting as this was not on the agenda. Tom Atkins seconded.

In favor: Tony Jose, Tom Atkins, Mike Everly, Ed Gross, Tim Nydegger, and Dave MacQueen.

Opposed: Bob Orr.

The motion passed 6-1

James Miller spoke about his unpleasant experience on July 15<sup>th</sup>, when he rented the pontoon, as he had for several years, only to find out there was an INT tournament scheduled for this day, limiting his ability to use only part of the lake. Mrs. Miller stated that the tournament did not serve the general population of Raintree. The Millers stated they had received the letter from the Board answering their 15 questions.

Richard Richardson, co-chair of the Lake Committee stated that the Lake Committee will have some items to discuss at our next work session. Richard stated that his neighbor has a boat slip that has so much grass and algae in it that he cannot operate the motor on his boat without entanglement. Brian asked Rachelle to get with the maintenance manager to try to resolve this issue.

Tony Jose stated that the ski club has moved the ski course, and would like to know if the Lake Committee approves of the location. Richard Richardson stated that their recommendation is that it be located in the center of that arm of the lake, and possibly a bit further east.

## **CONSENT AGENDA.**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The August Consent Agenda includes the approval of the July Board Meeting minutes, approval of the June 27<sup>th</sup> special meeting minutes. Approval of the July 29<sup>th</sup> special meeting minutes, and the approval of the payment of bills.

Mike Everly moved to approve the consent agenda.

Tony Jose seconded.

In favor: Tony Jose, Tom Atkins, Mike Everly, Tim Nydegger, and Dave MacQueen

Abstained: Bob Orr and Ed Gross

The motion passed 5-2

## **TREASURER'S FINANCIAL REPORT**

Tom Atkins presented the July Treasurer's Report

### Contents:

- Balance Sheet
- Profit and Loss
- Check Register
- Budget Analysis

### Information Items:

Bank account balances as of July 31:

Bank of Lee's Summit-Checking	\$	50,000
Bank of Lee's Summit-Sweep acct	\$	265,402.49

#### These include reserves for:

Operations	\$	80,158
Dock self insurance	\$	30,000
Siltation	\$	30,000

Expenses for July:	\$	66,447.67
Long term debt:	\$	153,022.33
Outstanding Dues/Fines	\$	46,187.28

Income during July

Dues	\$	50,081.10
Other Income Total	\$	13,130.77

Brian asked for the financial report to be filed for audit.

## **BOARD ANNOUNCEMENTS**

Sunrise Point City Council - Meeting Sept 7<sup>th</sup>.

Charter Review Commission – Meetings August 14<sup>th</sup> and August 28<sup>th</sup>.

Neighborhood Watch – Meeting August 21<sup>st</sup>.

Teen Swim – August 25<sup>th</sup>.

Raymore Annexation in unincorporated Cass County – Residents were shown the 3 annexation territories for Raymore. All of the Raintree Lake community will now be adjacent to incorporated land.

## **LEGAL**

There was no legal report.

## **DECK PROPOSALS**

Tony Jose reviewed the bids received for the replacement of the deck on the clubhouse. The bids ranged from a partial bid of \$99,000 to \$222,000.

Tony moved to approve up to \$125,000 to award the contract for the Raintree Clubhouse deck replacement to DNAB Maintenance and Repair and Endurable Building Products contingent on the acceptance of the final design, engineering and engineering calculations by the Deck Replacement Committee.

Tom Atkins seconded the motion.

Tony stated that the final design and construction of the deck will include lighting, cedar colored Correct Deck CX, beige powder coated aluminum framing and railings. The lower area and step rails will be manufactured with a picket style and the upper deck rails will be filled with bronze tinted glass. Rail posts will be constructed to ensure that deflection is minimized. We are looking at 4"x4" posts but are awaiting what the engineer from Endurable comes up with to minimize rail deflection.

The approval of this motion does not buy a deck tonight. What this motion does is authorizes the Deck Replacement Committee to continue evaluating what is believed to be the best value of the bids received. The actual signing of the contract is conditional and will not take place unless the Deck Replacement Committee finds that the design will meet the needs of the community. Furthermore, the contract will not be signed until the City of Lees Summit approves the design change. RLPOA will not enter into contract with the above until after review and acceptance of the design and the stamped and signed engineering calculations. In the event that the Deck Committee finds the proposal

acceptable, we will be in a position to begin this project in a timely fashion, allowing RLPOA to keep the clubhouse and the surrounding area available to residents.

In favor: Tony Jose, Tom Atkins, Mike Everly, Tim Nydegger, Ed Gross  
and Dave MacQueen

Abstained: Bob Orr

The motion passed 6-0-1

## **NEW BUSINESS**

### **WALKING TRAIL PROPOSALS**

Brian Whitley reviewed the bids for the walking trail to be constructed from Raintree Parkway to Raintree Drive. The bids also asked for concrete pads to be built at 14 of the boat dock walkways as an option in their bids. A walking trail map was presented and is available on the <http://rlpoa.com/amenities.htm> website.

Tony Jose moved to approve up to \$70,000 to award the contract to K.C. Pro LLC who was bidder #2, for bid item #1 pending verification of references and signing of contract and shall either fail to come to fruition will go to Ray Cochran for the total bid.

Tim Nydegger seconded the motion.

All were in favor.

The motion passed 7-0

At 8:28 Dave MaQueen excused himself.

### **SUNRISE POINT – APPRAISER**

Brian Whitley briefly reviewed the Sunrise Point development process. The two city council members attending the meeting with the developer recommended that RLPOA obtain an appraisal of tract B and consider making an offer to the developer.

There was much discussion about the usual concerns related to the proposed development, and the need to stay informed and attend city council meetings that address this development.

Tony Jose moved to approve up to \$5,000 to appraise properties as discussed in executive session.

Bob Orr seconded.

In favor: Tony Jose, Tom Atkins, Bob Orr, and Ed Gross

Against: Mike Everly and Tim Nydegger

The motion passed 4-2

Tony Jose moved to adjourn. Mike Everly seconded. All in favor.

The meeting adjourned at 8:48 pm.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
SPECIAL MEETING  
August 24, 2006**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on August 24, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Cheryl Fritts, Tim Nydegger, Bob Orr, David MacQueen, Ed Gross and Mike Everly. Rachelle Vandiver also attended.

Brian Whitley called the meeting to order at 7:00 P.M. and announced a quorum for the Board meeting.

**MONUMENTATION PLACEMENT 291**

Brian Whitley discussed the two locations being suggested for an entrance monument at the main 291 entrance. One is on the swell on the east side of Raintree Drive, near the church, and the other is on the west side of Raintree Drive on the ½ acre site that was the site for the temporary storm water basin used during the construction of the Villas.

Warren Oblinger spoke to the group. He stated that the ½ acre currently belongs to the Villas. Responding to requests for price ranges for a monument, Warren stated that the North Shore sign, pedestals, and fence with landscaping cost approximately \$80,000. Ben Sharp's sign for the Villas was about \$25,000 about 2 years ago.

Rita Madison of the Common Ground Committee, recommended working with the Villas to use their area for monumentation.

The consensus was that the signage should be compatible with existing signage.

Mike Everly moved to approve the following location as described by the Common Ground committee for consideration of placing a new entrance monument for Raintree Lake. The location will be on the ridge currently maintained by the Raintree Villas property just south of the area known as the "1-acre". RLPOA would maintain the monument and the land adjacent to the monument.

Tim Nydegger seconded.  
All in favor.  
The motion passed 8-0

## **CODE ENFORCEMENT**

Cheryl Fritts stated there is a need for clarification of the definition of commercial vehicles.

Dave MacQueen stated that there have been few complaints about these vehicles.

Tom Tucek stated that this has not been enforced for so long that people have become complacent.

Charlie Sandman stated that the number of resident complaints is immaterial.

Bob Christian stated that he knows of one such truck that he has not complained about, but would like to see this rule enforced.

Rachelle stated that the office has received more complaints about pickup trucks than about commercial vehicles.

Charlie Sandman stated that vehicles that are detrimental to property values should be removed as well.

Tony Jose stated that if we choose to enforce the rule, residents can then simply move their vehicles to the street where RLPOA has no jurisdiction.

Tom Tucek stated that it seems to him that some on this board favor selective enforcement.

Charlie Sandman stated that many commercial vehicles have valuable tools and equipment, and the owners may not want to park them in the street.

Bob Orr stated that Rachelle needs specifics. We may need to work with the city. The board should not pick and choose the rules to enforce.

Tom Atkins stated that if we choose to strictly enforce this rule, he would like to see a warning period, perhaps as much as 6 month notice.

Tim Nydegger would like to see a committee complete the wording for what defines a commercial vehicle.

Brian Whitley appointed Tim Nydegger, Cheryl Fritts, and Bob Orr to work together to come up with a definition for commercial vehicles.

## **BOATS WITHIN 50' OF SWIM DOCKS**

The Lake Committee is recommending adding additional language to the rules that prohibit boats within 50 feet of a swim dock. Also, change the language of "B" which seems to be a typo.

Rachelle stated that it seems that PWC drivers are the primary culprits, and we must distinguish between intentional acts, and the drifting of a disabled vessel.

Brian would like to see more work on the wording.

Ed Gross moved to add the following words under "Lake Regulations, Prohibited Activities, Section V, Dock Rules, Paragraph 8b" In addition, to the violation penalties, to add an additional \$25 fine shall be assessed for boat loading, docking or fishing at a swim dock

Cheryl seconded.

In favor: Tom Atkins, Cheryl Fritts, Tim Nydegger, Bob Orr, David MacQueen, Ed Gross and Mike Everly.

Tony Jose abstained

The motion passed 7-0-1

## **CORRECTION REQUEST, PAGE 21, APPENDIX, RULES, PARAGRAPH 4**

Ed Gross moved to remove the word "personal" from Lake Regulations, Appendix, Rule 4 "Only one personal watercraft may use the course at any given time. "

Tim Nydegger seconded.

All in favor

The motion passed 8-0

## **URS ENGINEER PROPOSAL**

Ed Gross reviewed the tasks presented to URS Engineering.

Evaluate the dam's safety condition: The drain valve used to be exercised once per year up to 1990 but not after. The leak in the column around the valve needs to be identified. Blue Valley tested the water and determined it is not sewer water. Ed recommends repairing the tower itself. There was not a consensus as to where to begin. Tim Nydegger stated that he would research alternatives and recommendations for how to proceed. Ed suggested discussing this with DNR when they are here for their inspection.

Shoreline around dam area: URS engineering noticed some slippage of the rip rap and recommends evaluating the slope of the bank around the dam area. Ed stated that we can do this in-house. We should also sound the area around the manhole.

Seascape A: URS engineering recommends monitoring seascape A with RLPOA staff perhaps including pumping water from the main lake to evaluate how well it holds water. Ed Gross, Tony Jose, and Bob Orr will meet with adjacent homeowners to help monitor the levels, including the frequency of their sump pump's operation.

Ed Gross moved to approve up to \$3,000 for URS to prepare for and speak on our behalf, on the technical concerns regarding the dam and building below the dam, at the upcoming City Council meeting on the Sunrise Point Development.

Tim Nydegger seconded

Those in favor: Tony Jose, Cheryl Fritts, Tim Nydegger, Bob Orr, Ed Gross and Mike Everly.

Abstained: Tom Atkins, Dave MacQueen

The motion passed 6-0-2

## **ARCHITECTURAL REQUIREMENT**

Ed Gross reviewed his proposal to the ARB and would like to see RLPOA make changes to the ARB guidelines for multi-family housing.

Ed moved to change (in red text) the ARB guidelines to read the following:

### ***SQUARE FOOTAGE***

All sections of single-family **and multi-family** residences at RAINTREE have minimum square footage areas which will vary by type of home.

- (A) Split level homes or split foyer with garage under (side to side) shall have a minimum of 1,200 square feet on the ground and above the garage area, combined. It shall have an additional 250 square feet of finished living area either finished above or below the primary living area. Primary meaning area finished over the garage and area opposite garage, a total of 1,450 square feet with not less than a two-car garage. The primary structure, not to include wing or walls or overhand porches or decks shall have an overall length of not less than 46 feet.
- (B) Two-story houses must have 800 square feet on the first floor and at least 1,400 square feet on both levels with an attached garage or carport, **except that carports shall not be permitted on multi-family residences.**
- (C) Ranch type homes shall have at least 1,200 square feet with an attached garage or carport, **except that carports shall not be permitted on multi-family residences.**
- (D) Ranch type homes with drive under garages shall have at least 1,400 square feet.



## **GARAGES**

Each residence shall have an attached or basement private garage for not less than two (2) nor more than three (3) cars. The driveway on each lot shall contain sufficient paved area for the off-street parking of at least two cars. All garages must be equipped with doors which shall be kept closed as much as practicable to preserve the appearance of the elevation of the house fronting the street. **Carports are not permitted on multi-family residences.**

## **FRONTAGE**

To maintain and promote a quality appearance to new construction in Raintree, a minimum of 30% of the total frontal (street elevation – Approved 1995) area of the **R-1** home shall be of one or more of the following materials: stucco, **EIFS**, brick, stone, rock or other masonry products. The balance of material may be wood lap siding, grooved sheathing or a board and baton composition. **The minimum percentage of total frontage shall be 100% for Single-family homes that do not meet the City's R-1 minimum lot width and setback requirements. Multi-family residences shall be 100% stucco, EIFS, brick, stone, rock or other masonry products on all four exterior sides, excluding door and windows and their trim.**

Vinyl siding will not be allowed on the front elevation (street side) of a new home **or any exterior elevation of a new multi-family residence. These should consist of the following: brick, stone, stucco, synthetic stucco, painted lap siding, with a minimum of 30% being masonry.** Vinyl siding is discouraged for use as replacement siding on the front of existing homes but will be considered on a case by case basis.

## **DRIVEWAYS AND PATIO**

Extensions, widening, or rerouting of existing driveways must have the approval of the Architectural Review Board before any work is undertaken. **All driveways, parking pads, and patio's shall be concrete, stone, or other masonry product.**

Mike Everly seconded

Those in favor: Tony Jose, Ed Gross, Mike Everly

Against: Bob Orr, Dave MacQueen

Abstained: Tom Atkins, Tim Nydegger

The motion passed 3-2-2

## **SUNRISE POINT**

Brian Whitley reviewed the plans for the RLPOA presentation to City Hall on the Sunrise Point development proposal. Not much has changed since the last discussion. The next steps will be to place signs at prominent points within Raintree to provide residents the opportunity to be aware of the meeting.

## **PRIORITY RANKING**

Brian reviewed the process for the priority ranking of goals for 2007. Brian is gathering suggestions from board members and residents to compile a list that will then be prioritized by the board to set goals for next year. Brian asked if there were any more suggestions for the list. Ed Gross suggested repairing the playground.

## **FINANCE COMMITTEE UPDATE**

Tom Atkins reviewed the meeting earlier in the day between the Finance Committee and representatives from Lee's Summit Bank. The Finance Committee is investigating the option of automatic bank withdrawals for the convenience of residents who may choose this as an option for paying quarterly dues.

## **9<sup>TH</sup> PLAT**

Brian referred to the letter regarding the developer's letter to turn over common ground in plat 9.

Tony Jose moved that Brian draft a response to Ira Roberts regarding the 9<sup>th</sup> Plat response stating that as legally required in the Settlement Agreement, RLPOA welcomes the developer's placement and establishment of 6' of sod around waterscapes E and O, welcomes a meeting with his professional landscaper to discuss tree, requests rip-rap to be of similar type to that around the lake to maintain a harmonious balance, and that the developer ensure the water level of waterscapes E and O are maintained to the level specified in the August 9<sup>th</sup> letter to achieve the developer sated goals in his August 18<sup>th</sup> letter to create a nice environment for the membership and make them easy to maintain.

Tom Atkins seconded  
All in favor  
The motion passed 6-0

## **RAINTREE VILLAGE**

Brian Whitley stated that Raintree Village has erected structures without ARB application or approval. Brian directed Rachelle to send appropriate letters to the developers of Raintree Village, and to also include demands that they repair the damage to the common ground around their site.

## **EXECUTIVE SESSION**

Tony Jose moved to adjourn to executive session to discuss legal issues related to a contractor.  
Tom Atkins seconded  
All in favor

## **ADJOURNMENT**

Tony Jose moved to adjourn.  
Tom Atkins Seconded.  
All were in favor.  
The meeting was adjourned at 10:38 p.m.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
SEPTEMBER 12, 2006**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on September 12th, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Mike Everly, Ed Gross, Tim Nydegger, Dave MacQueen, Cheryl Fritts and Bob Orr. Also attending was Rachelle Vandiver. Absent: Tom Atkins.

Brian Whitley called the meeting to order at 7:08 P.M. and announced a quorum for the Board meeting.

Tony Jose moved to approve the agenda.  
Tim Nydegger seconded.  
All in favor.

**OPEN FORUM**

**CONSENT AGENDA.**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. September Consent Agenda includes the approval of the August Board Meeting minutes, approval of the August 24<sup>th</sup> special meeting minutes, approval of the payment of bills, Oktoberfest budgeted up to \$3,200 and Halloween Party budgeted up to \$900.

Tony Jose moved to approve the consent agenda.  
Cheryl Fritts seconded.  
The motion passed 7-0

**TREASURER'S FINANCIAL REPORT**

Brian Whitley presented the August Treasurer's Report in Tom Atkins absence.

Contents:

- Balance Sheet
- Profit and Loss
- Check Register
- Budget Analysis

Information Items:

Bank account balances as of August 31:

Bank of Lee's Summit-Checking	\$	50,000
Bank of Lee's Summit-Sweep acct	\$	269,678.07
<u>These include reserves for:</u>		
Operations	\$	80,158
Dock self insurance	\$	30,000
Siltation	\$	30,000
Expenses for Aug:	\$	56,271.11
Long term debt:	\$	148,031.09
Outstanding Dues/Fines	\$	28,720.82
Balance Due Liens Filed:	\$	34,548.26

Income during August		
Dues	\$	56,586.37
Other Income Total	\$	4,353.33

Brian asked for the financial report to be filed for audit.

## **BOARD ANNOUNCEMENTS**

Sunrise Point City Council Meeting

Neighborhood Garage Sale Sept. 13<sup>th</sup> – 16<sup>th</sup>

Neighborhood Watch – Meeting Sept. 18<sup>th</sup>

## **OLD BUSINESS**

### **LEGAL**

1. Lou-Air and Raintree v. MoDOT and James Cape & Sons. At the status conference of Friday, September 8, 2006, the Court ordered Cape & Sons to produce their discovery within thirty (30) days and may order mediation in this matter. The case was set over for another status conference on January 12, 2007, when, if not resolved, it will be set for trial.
2. Sunrise Point Development Status. Following unsuccessful negotiations, the City Council, on September 7, 2006, denied the application for rezoning resulting in the developer withdrawing the application to avoid the six month limitation on resubmitting same. This avoided a motion to deny being sustained by the Council, and therefore, avoided the application of the above time limit on new applications.
3. Reported on status of two items in collection.

## **Richard Blackham-Appeal Codes Fine**

Richard Blackham had appeared in open forum of the August 8<sup>th</sup>, 2006 Board meeting to plead his case. He had failed to get the "pergola" approved above his back deck. Brian

read the alleged violation, the rule violated, appeals minutes and a written statement from the resident.

*Tony Jose made a motion to sustain the \$200 fine. Bob Orr seconded.*

In favor: Tony Jose, Mike Everly, Tim Nydegger, Bob Orr, Cheryl Fritts, and Dave MacQueen.

Abstained: Ed Gross

The motion passed 6-0-1

## **NEW BUSINESS**

### **Sheral De Vaughn-Fence Appeal**

Sheral De Vaughn provided pictures of the fence in question. ARB had approved application, but was under the impression there would be 1 to 2 inches in between. The application actually read 1X2 in between. Sheral stated that she constructed her fence so that her child could not stick their hand between the pickets at the neighbor's dog. She had left half inch spacing between the 1X4X4 and the 1X2.

*Mike Everly made a motion to rescind the \$200 fine and allow application. Dave Mac Queen seconded.*

All were in favor.

The motion passed 7-0

### **Dewayne & Pam Siniawski-Appeal codes fine**

Dewayne Siniawski presented their case before the Board. He stated that they had made their color choice and had spoken to their son-in-law in regards to painting the house. They had left town, when their son-in-law had started painting and violation occurred.

*Bob Orr made a motion to sustain the \$200 fine. Mike Everly seconded.*

In favor: Tony Jose, Cheryl Fritts, Bob Orr, Dave Mac Queen, Tim Nydegger and Mike Everly.

Abstained: Ed Gross

The motion passed 6-0-1

### **Gregory Schuh-Boat Slip Delinquency**

Gregory Schuh was not in attendance, although he had signed the certified receipt stating that it was mandatory to appear. Tony Jose requested additional information.

The Board moved to take a 10 minute break while Rachelle obtained the additional information.

Meeting resumed at 8:40pm.

The Board agreed that the resident was not in attendance in order to hear his side of the appeal request. The Board heard testimony from Rachelle regarding the attempts to contact the resident and the resident's knowledge, through a certified letter, that the appeal was scheduled for this evening.

*Ed Gross made a motion that office staff take possession of slip 5-L due to absence of Lessee which is consistent with denial of appeal., Cheryl Fritts seconded. Motion passed 5-2.*

For: Tony Jose, Cheryl Fritts, Tim Nydegger, Mike Everly and Bob Orr.  
Against: Ed Gross and Dave Mac Queen.

### **Lake Committee Report**

The lake committee stated they wanted to rescind the boat lift application that had been approved for slip 5-RF. They had not been provided with the information that it would include a conversion kit to lift a pontoon. They asked for the Board to review and approve/deny application. The Board requested the office to send an invitation to the residents asking them to attend the September work session.

### **Sub-committee Updates**

The commercial vehicle sub-committee stated they had driven around the neighborhood, but was not in a position at this point to make recommendations to the Board. Tony gave an update on Seascape A and a plan to address the water problem.

### **Deck Committee Update**

The deck committee stated they have received the plans from the contractor, but still needed additional information. They stated they planned on another meeting, possibly Friday at 5:15pm if everyone was in agreement.

### **ARB Architectural Ruling**

Brian Whitley stated to the Board that the motion made at the August 8<sup>th</sup> Board meeting should not of passed because it needed a 2/3<sup>rd</sup>'s majority vote. The Board agreed to discuss at the September work session.

Tony Jose moved to adjourn the meeting, Dave Mac Queen seconded. The meeting adjourned at 9:00 pm.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
SEPTEMBER 28, 2006  
WORK SESSION**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A work session of the Raintree Lake Property Owners Association was held on September 28, 2006, at 7:00 PM. Members in attendance were: Tony Jose, Tom Atkins, Ed Gross, Bob Orr, David MacQueen, and Mike Everly. Absent: Brian Whitley, Tim Nydegger, and Cheryl Fritts. Rachelle Vandiver also attended. Tony Jose called the meeting to order at 7:00 p.m.

**PONTOON ON LIFT**

Robert Powell placed a pontoon on his lift that was recently approved by the Lake Committee. The Lake Committee asked the board to rescind the approval of the lift, since it was not clearly stated that he intended to put a pontoon on it. The Lake Committee does not approve lifts for pontoons. Tony Jose asked Rachelle to amend the boat lift application to require the necessary information to prevent these types of miscommunications in the future.

**MIDDLE BIG CREEK EASEMENTS**

Ed Gross gave details of the plan by the City of Lee's Summit to build an excess overflow holding basin, and to connect to the existing sewers within Raintree, through easements on the properties of several residents along Sunset Cove on Ward Road.

Residents expressed a number of concerns including lack of details about the construction process, restoration of the ground to be disturbed, loss of flower beds, trees and other items existing within the easements. This project directly affects 15 residents.

Tony Jose suggested that it would be in their best interest to communicate and negotiate as a group to the city in order to see that their concerns are addressed.

**8<sup>TH</sup> AND 9<sup>TH</sup> PLATS**

Ira Roberts and Don Archer were in attendance to discuss the requirements for RLPOA acceptance of common ground being turned over to the association by the developer. Don stated that he disagrees with the UDO requirements the city has for trees in newly developed areas. He asked if the association was required to strictly adhere to these guidelines or if they are willing to look at alternatives that would be of better benefit to the association. Don stated that he is willing to accompany the group that tours the area for final inspection.

In response to questions about waterscape “O”, Ira stated that he would be using thick stone at and above the full pool level, and placing 2” by 4” rip rap below this line.

Tony Jose asked Ira to consider using a size rip rap that is consistent with the main lake, and to try to establish a full pool in the waterscapes prior to presenting to the association.

### **RAINTREE VILLAS MONUMENTATION PLACEMENT**

The subject of the placement for monumentation on the Villa’s common ground will be discussed at their next meeting.

### **LAKE REGULATIONS – SWIM DOCKS**

Dave MacQueen stated that he would like to see the penalty for boats within the buoys at swim docks, raised to a 4<sup>th</sup> level violation instead of the \$25 fine.

### **ARB ARCHITECTURAL RULING**

Ed Gross suggested that the proposed revisions to the ARB guidelines be presented to the Architectural Review Board for their consideration. All were in agreement.

### **WALKING TRAIL**

Rachelle mentioned the need for placing rip rap in the areas by the new walking trail. The concrete will not be strong enough to withstand the weight of a loader full of rock at least until spring. Other options need to be considered even after springtime to protect the trail. Tony directed the office to seed all areas for now to comply with the City’s Land Disturbance Permit requirements, and to investigate a ground cover for the few steep areas, in lieu of rip rap, that would not require mowing.

### **BUDGET/PRIORITY RANKING**

The priority rankings have not been completed by all board members, which are needed to establish budgeting priorities for 2007. Preliminary steps are being made by the office and the Treasurer to prepare for upcoming budget meetings.

### **DECK UPDATE**

Tony Jose stated that our engineer has suggested alternative construction methods to eliminate vibration during heavy use. Investigating these items will result in further delays.

Bob Orr suggested that a drawing of the proposed deck be displayed in the office for residents to see.



## **POOL HOURS**

Rachelle will be getting a quote for managing the pool for the 2007 season. Tony would like to see the bid include the option of extending the swim season. Dave would like to make the hours of 10 am to 12 noon an adults only time, which should not require lifeguards. Dave also suggested that we require a manager to be on site during regular hours.

## **CODES HOURS**

Rachelle stated that the board should be aware that maintaining level of codes enforcement through the end of the year will result in spending beyond the approved budgeted amounts for this category

## **ADJOURNMENT:**

Tom Atkins moved to adjourn.

Mike Everly seconded.

All in favor.

The meeting was adjourned at 9:40p.m.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
OCTOBER 10, 2006**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on October 10th, 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Bob Orr, David MacQueen, Ed Gross and Mike Everly. Rachelle Vandiver also attended. Cheryl Fritts and Tim Nydegger were absent.

Brian Whitley called the meeting to order at 7:00 P.M. and announced a quorum for the Board meeting.

**OPEN FORUM**

Brian Whitley announced there would be ten minutes allowed to hear resident's concerns, complaints, and questions. Brian asked the residents to please state their name and address before speaking.

Shirley Thomas commended the Garden Club for their work on the Pumpkins on Wheels displays throughout the neighborhood and that the continuation of this event makes the area look festive.

Mike Reese stated that the Law Loan program may not be an option for us in 2007. The board should consider budgeting for the purchase of at least one PWC for the water patrol. We had two PWC's from the program in 2006, and there were a few times that they were greatly needed. One is definitely needed, as it can go into areas the boat cannot. The price for a new one is about \$10,500, and probably \$8,000 for a good used one.

**CONSENT AGENDA.**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The October Consent Agenda includes the approval of the September Board Meeting minutes, the approval of the payment of bills, and approval for the purchase of park benches, up to \$2,000.

Tony Jose moved to approve the Consent Agenda.  
Ed Gross seconded the motion. The motion passed 6-0

**TREASURER'S FINANCIAL REPORT**

Tom Atkins presented the September Treasurer's Report

Contents:

Balance Sheet  
Profit and Loss

Check Register  
Budget Analysis

Information Items:

Bank account balances as of September 30:

Bank of Lee's Summit-Checking	\$	50,000.00
Bank of Lee's Summit-Sweep acct	\$	306,291.30

These include reserves for:

Operations	\$	80,158
Dock self insurance	\$	30,000
Siltation	\$	30,000

Expenses for September:	\$	61,503.33
Long term debt:	\$	143,018.35
Outstanding Dues/Fines	\$	22,416.66
Balance Due Liens Filed	\$	33,073.41

Income during September		
Dues	\$	64,441.85
Other Income Total	\$	7,970.01

Brian asked for the financial report to be filed for audit.

**BOARD ANNOUNCEMENTS**

**NEIGHBORHOOD WATCH**

Dave Mitchell will be conducting a neighborhood watch meeting on Monday, October 16<sup>th</sup> at the clubhouse. The meeting should be brief. He is looking for residents willing to serve as block captains. One police officer may be present. This information will be included in the next E-News communication.

**HALLOWEEN PARTY**

The Halloween party is scheduled for October 29<sup>th</sup> at the clubhouse.

**DAYLIGHT SAVINGS TIME**

Reminder that daylight savings time ends October 29<sup>th</sup>.

**WALKING TRAIL UPDATE**

Ed Gross gave an update on the progress of the walking trail construction. There is limited ground disturbance from the excavation, but their progress is very slow. The spacing for the rebar where the trail crosses the culvert was not the 12" as required by the contract, and there are concerns that the strength of the concrete may not be what it should be. Contractor is being required to replace the portion of the walking trail over the drainage culvert to meet the 12" on center rebar requirement.

#### **RAINTREE VILLAGE**

Rachelle Vandiver and Ed Gross met with the superintendent and architect of Raintree Village and agreed to add two or three dozen more trees to their landscaping, and they have submitted drawings to the ARB. Raintree Village has had some vandalism and would like us to make everyone aware of this.

#### **EXCESS FLOW HOLDING BASIN**

The city met with Ward Road residents affected by the sewer easements to the EFHB on October 9<sup>th</sup>. The city's stated goal is to have the easements by year end, and to start work in April, and finish in 2008.

#### **LEGAL UPDATE**

No new developments

#### **COMMERCIAL VEHICLE DEFINITION UPDATE**

Bob Orr stated that they have the beginnings of the definitions for commercial vehicles. This will require board approval and may not be ready by the 2007 annual meeting.

#### **WATERSCAPE A UPDATE**

Tony Jose stated that he has information about metering devices for sump pumps that he will forward to the homeowners near the waterscape. This may be helpful in determining if their suspicions that the water is leaking from the waterscape and into their basements is legitimate.

#### **DECK UPDATE**

Tony Jose stated that he, Ed Gross and Mel Proctor determined that the current design will still have some vibration under heavy loads. Using 8" tubes should eliminate this vibration. They increased the thickness of the glass from 1/4" to 3/8". This brings the total cost of the deck project to about \$137,000, which includes about \$10,000 in lighting.

Tony moved to adjust the deck budget up to \$137,000.

Ed Gross seconded.

All in favor. The motion passed 6 - 0

#### **PONTOON ON LIFT RF-5**

The boat slip RF-5 has a lift that was approved by the Lake Committee, but is being used for a pontoon. A pontoon kit was added to the lift to accommodate the pontoon. Tony Jose stated that the Lake Committee's application for this lift was vague and this would have been prevented if the proper details were requested

on the application. Prior to this meeting, Tom Tucek submitted several revised documents for the office to use and the board to consider for updating the rules.

Bob Orr moved to allow the boat lift and attachments for slip RF-5 until said resident ceases to occupy this slip or owns this boat.

Dave MacQueen seconded

All in favor

The motion passed 6 - 0

## **PENALTY FOR BOATS UNDER POWER WITHIN A PROTECTED SWIM AREA**

Mike Everly moved to table this discussion and discuss at the work session.

Tony seconded

In favor: Tony Jose, Tom Atkins, Ed Gross, Mike Everly, Bob Orr

Against: Dave MacQueen

The motion passed 5 – 1

## **UNAPPROVED ROOF COLOR SELECTION**

Lani Dukat applied for ARB approval for a new roof using Owens Corning in the Amber color. This color is not on the approved list, therefore it was denied. Lani also brought a sample of Sierra Grey. This color is not on the approved list either.

Dave MacQueen moved to approve Sierra Gray Owens Corning for this house at 203 SW Seagull Court.

Tony Jose seconded

Tony moved to amend the motion that the roof needs to be a 40 year shingle or better.

Tom Atkins seconded

All in favor

The amendment passed 6 – 0

The amended motion passed 6 – 0

## **ARB ARCHITECTURAL RULING**

Brian Whitley reviewed the changes that the ARB approved for guidelines on multi family housing. The board has reviewed these and does not disapprove of any of these changes. These changes will be published in the Shoreline.

Tony Jose moved to show a vote of confidence for all of these changes

Mike Everly seconded

In favor: Tony Jose, Ed Gross, Mike Everly, Tom Atkins

Against: Bob Orr, Dave MacQueen

The motion passed 4 – 2

## **CONCERNS WITH BOARD DIRECTION AND COMMITTEES**

Brian Whitley stated that he had heard comments that the board is not operating consistent with the bylaws, and wanted to offer the opportunity to anyone who wanted to comment on this. There was a lengthy discussion on the subject of the lack of people willing to serve on committees, and the board's interaction with these committees. Some comments were made that the board is indifferent to committees and that the heavy workload that the board has had in recent years has not helped. Brian asked for suggestions for renewing a sense of involvement and volunteerism. Suggestions included hiring a marketing firm to advise the board and to provide compensation of some sort to residents who serve on committees.

Dave MacQueen excused himself at 9:14 pm

Ed Gross stated that the DNR will be here Tuesday for the dam inspection.

Ed Gross moved to adjourn

Tom Atkins seconded

All in favor

The meeting adjourned at 9:17 pm



**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
WORK SESSION  
OCTOBER 26, 2006**

A work session of the Raintree Lake Property Owners Association was held on October 26, 2006 at 7:00 PM. Members in attendance were: Brian Whitley, Tom Atkins, Tim Nydegger, Mike Everly, and Dave MacQueen. Tony Jose arrived at 7:25. Rachelle Vandiver also attended. Absent were: Cheryl Fritts, Ed Gross, and Bob Orr.

**MUSKRAT TRAPPING**

Brian Whitley asked the board members if they had an opportunity to look over the information sent by Dennis Lang regarding alternative methods for dealing with the muskrat problems in our lake. All present said they had received the E-mail.

**ARB RECOMMENDATION**

The ARB recommended that the height restrictions for fences (page 69 in the ARB guidelines) be amended to allow for privacy fences on the north side of Windjammer and for houses that back up to Regatta. The board agreed with including Windjammer, but not Regatta, since this is a major entry point to our community. Brian asked Rachelle to put this on the agenda for the next board meeting.

**PENALTY FOR BOATS UNDER POWER WITHIN A PROTECTED SWIM AREA**

Mike Everly proposed language to strengthen the rules prohibiting boats in designated swim areas. It was agreed that there may need to be two or more buoys at each swim dock to clearly mark the restricted area. Mike stated that this should be a fourth level violation. This is the only rule we have that is less stringent than the state regulations. Brian asked Rachelle to put this on the agenda for the next board meeting.

**PONTOONS ON LIFTS**

Brian briefly reviewed the issue of residents installing lifts for pontoon boats. Lifts for pontoons are not approved by the lake committee. The recent installation of a lift was approved by the lake committee because the application did not have a requirement to declare the type of boat to be placed on the lift, and whether or not a pontoon kit would be included. The office has amended the form to include the necessary information that needs to be stated at the time of the application. There was not a consensus to draft new wording to change the rules, since the new forms the office will use should prevent future problems. The point in dispute



is whether or not a lift with a pontoon on it weakens, has no affect, or actually adds stability to the docks. It was agreed that the burden of providing engineering studies or expert testimony to argue this point would be tasked to the resident or group of residents that wish to change the current rules.

## **2007 BUDGET REVIEW**

The proposed budget for 2007 was reviewed. The finance committee has made their recommendations. The common ground committee submitted their proposals with the exception of a dollar amount for monuments at the main entrances. It was agreed that the budget for 2007 would include the necessary funds for the operational portion, and state the estimated amount of discretionary funds the board may use for addressing items on the priority list. The consensus was that the 2007 fees for boat slips should be \$300 and the clubhouse rental should be \$300. The final budget for 2007 will be approved at the December board meeting.

## **PRIORITY LIST**

Brian reviewed the board's priority list, and removed items that were included in the operational portion of the 2007 budget proposal. This list will be published on the website.

The meeting was adjourned at 10:10pm

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
November 14, 2006**

**DETERMINE QUORUM & CALL MEETING TO ORDER:**

A Board meeting of the Raintree Lake Property Owners Association was held on November 14<sup>th</sup> 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Mike Everly, Ed Gross, Bob Orr (7:15pm), Dave MacQueen (7:23pm) and Tim Nydegger. Also attending was Rachelle Vandiver. Absent: Cheryl Fritts.

Brian Whitley called the meeting to order at 7:00 P.M. and announced a quorum for the Board meeting.

Tim Nydegger moved to approve the agenda.

Tom Atkins seconded.

All in favor.

The motion passed 5 – 0

**OPEN FORUM**

Greg Schuh addressed the board regarding the notice he received that his account is past due, and that his boat slip would not be renewed. Brian reviewed the written policy that covers this situation.

Tony Jose moved to defer this to the December board meeting.

Tom Atkins seconded

All in favor

The motion passed 5 - 0

**CONSENT AGENDA.**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The November Consent Agenda includes the approval of the October Board Meeting minutes, and the approval of the payment of bills.

**TREASURER'S FINANCIAL REPORT**

Tom Atkins presented the October Treasurer's Report

Contents:

- Balance Sheet
- Profit and Loss
- Check Register
- Budget Analysis

Information Items:

Bank account balances as of October:

Bank of Lee's Summit-Checking	\$	50,000
Bank of Lee's Summit-Sweep acct	\$	266,611.89

These include reserves for:

Operations	\$	80,158
Dock self insurance	\$	30,000
Siltation	\$	30,000

Expenses for October:	\$	81,969.60
Long term debt:	\$	137,964.17
Outstanding Dues/Fines	\$	35,417.39
Balance Due Liens Filed	\$	43,147.38

Income during October

Dues	\$	74,064.03
Other Income Total	\$	4,626.01

Brian asked for the financial report to be filed for audit.

7:15 pm – Bob Orr arrived to join the meeting

**BOARD ANNOUNCEMENTS**

The neighborhood watch meeting is scheduled for November 20<sup>th</sup>. The main topic will be “recognizing suspicious activity”.

Breakfast with Santa will be on the first Saturday of December at 10 am.

The next municipal election will have a ½ cent Capital Improvement Sales Tax to finance road improvements. Brian Whitley has spoken at city meetings in favor of the Thoroughfare Master Plan which includes \$16 million in improvements to Ward Road between MO150 and Raintree Parkway.

Cheryl, Tim and Bob are still working on the wording for the commercial vehicles regulations.

7:23 pm – Dave MacQueen arrived to join the meeting

Seascape A – Tony Jose stated that his inquiries about flow meters for sump pumps did not produce any results. We should review this at the next work session, and include the two resident representatives.

Resident involvement – Bob, Mike, Brian and Judy are looking for and discussing items to present to residents to encourage participation in committees, board and other activities.

## **LEGAL**

There was no legal report.

## **PENALTY FOR BOATS UNDER POWER WITHIN A PROTECTED SWIM AREA**

Brian reviewed the process for enacting rules, and reviewed this rule with the latest modifications.

Mike Everly reviewed the state regulations regarding boating in a designated swim area. Under state rules, boating in a swim area is a misdemeanor criminal offense. This is the only RLPOA rule that is less restrictive than state regulations. Mike also stated that our swim areas should have better markings.

Tony noted that some swim docks are within 50' of a boat dock, so this needs to be considered when marking these areas.

Mike Everly moved to rescind the current rule: V.8B

Ed Gross seconded

All in favor

The motion passed 7 – 0

Mike Everly moved to have the following language replace the rule that was just rescinded:

Due to safety concerns, swim docks are for swimming and sunbathing only, and are open during the season from 7:00 a.m. to 11:00 p.m. daily. Other activities on the swim docks will receive a citation for failure to adhere. Furthermore, no vessels shall be operated or permitted to drift into designated swim areas. This violation is a 4<sup>th</sup> level offense resulting in 90 day suspension, loss of all current boat permits, and \$100 fine.

Tony Jose seconded

All in favor

The motion passed 7 – 0

## **MODIFICATION OF “BOAT SLIP POLICY SECTION F” ON PONTOONS**

The Lake committee has provided documentation suggesting pontoons on lifts at the old docks may pose property risks. The new docks may be able to accommodate such loads. A compromise was reached at the 10/26 work

session to state in publications that the Lake Committee would not approve pontoon lifts. As always, items may be appealed to the Board for review.

Tony Jose moved to change the wording in Raintree boat slip policy from:  
The lessee may install the boat lift if the boat lift type and structure has been approved by the RLPOA Board of Directors.

To:

The lessee may install the boat lift if the boat lift type and structure has been approved by the RLPOA Lake Committee.

Mike Everly seconded

In favor: Tony Jose, Mike Everly, Tom Atkins, Ed Gross, Bob Orr, Dave MacQueen

Abstain: Tim Nydegger

The motion passed 6 - 0 – 1

Ed Gross moved to add the following to the previous motion:

The RLPOA Lake Committee will not approve pontoons on boat lifts.

Tom Atkins seconded

In favor: Ed Gross, Tom Atkins, Mike Everly, Brian Whitley

Against: Bob Orr, Tim Nydegger, Dave MacQueen

Abstain: Tony Jose

The motion passed 4 - 3 – 1

#### **MODIFICATION OF “BOAT SLIP POLICY SECTION F” ON ELECTRICITY**

Tony Jose moved to update the boat slip policy language to reflect the current policy from:

“Lessee shall be responsible for costs of monthly billing, removal and reinstallation, repairs and installation of electricity on the aforesaid dock to be installed and repaired by a certified electrician approved by the City of Lee’s Summit”

To:

“RLPOA will pay the cost of electricity for the docks. RLPOA will also pay the cost of maintenance for the power circuits, dock lighting and outlets installed by the association.”

Tom Atkins seconded

All in favor

The motion passed 7 – 0

#### **MODIFICATION OF LEASE OF BOAT SLIP ON PONTOONS**

Tom Atkins moved to add to the boat slip lease agreement, on the 2<sup>nd</sup> page 3<sup>rd</sup> paragraph:

"The RLPOA Lake Committee will not approve pontoons on boat lifts"

Ed Gross seconded

In Favor: Tom Atkins, Ed Gross, Mike Everly

Against: Tony Jose, Tim Nydegger, Bob Orr, Dave MacQueen

The motion failed 3 - 4

### **MODIFICATION OF "ADDENDUM TO LEASE OF BOAT SLIP" ON ELECTRICITY**

Tony Jose moved to update the boat slip lease to reflect the current policy from: "Lessee shall be responsible for costs of monthly billing, removal and reinstallation, repairs and installation of electricity on the aforesaid dock to be installed and repaired by a certified electrician approved by the City of Lee's Summit"

To:

"RLPOA will pay the cost of electricity for the docks. RLPOA will also pay the cost of maintenance for the power circuits, dock lighting and outlets installed by the association"

Mike Everly seconded

All in favor

The motion passed 7 – 0

### **EASEMENT WITH CHEROKEE TEL-DESIGN**

Ed Gross moved to approve the utility easement request from Cherokee Tel-design for AT&T – SBC for an equipment station, and striking the wording in the agreement that allows for fencing around the station.

Tony Jose seconded

All in favor

The motion passed 7 – 0

### **APPEAL – CODES FINE**

Colby Matthews stated that he has lived here for 2 years. He built an arbor because the one at the Duck Pond looked nice. During demolition of the old structure, codes enforcement reminded him of the ARB regulations. He then applied for a permit, and began construction that weekend, prior to review by the ARB.

Ed Gross moved to overrule the \$200 fine.

Bob Orr seconded

In Favor: Ed Gross, Bob Orr, Tony Jose, Tim Nydegger, Mike Everly, Dave MacQueen

Against: Tom Atkins  
The motion passed 6 – 1

### **ARB SIDING APPEAL**

Carolyn and Lee Medley applied for ARB approval for vinyl siding for her house which was denied. They made a \$4,000 down payment, but have not installed it yet.

They preferred the horizontal siding which they believe is a superior product and is installed better.

Tom Atkins moved to sustain the ARB decision

Tim Nydegger seconded

In favor: Tom Atkins, Ed Gross, Bob Orr, Tony Jose, Tim Nydegger and Mike Everly

Against: Dave MacQueen

The motion passed 6 – 1

### **MODIFICATION OF “BOAT SLIP POLICY SECTION C” ON REIMBURSEMENT**

Tony Jose moved to defer this discussion to the next work session

Tom Atkins seconded

All in favor

The motion passed 7 – 0

### **2007 DUES**

Tom Atkins moved to increase the 2007 dues by 4.1%, which is the CPI change from July 2005 to July 2006. Annual 2007 Class A assessments will increase from \$422.88 to \$440.20. Annual 2007 Class B assessments will increase from \$281.92 to \$293.48. Annual 2007 commercial assessments will increase from \$375.92 to \$391.32.

Tim Nydegger seconded

All in favor

The motion passed 7 – 0

### **MODIFICATION OF “BOAT SLIP POLICY SECTION C” ON REIMBURSEMENT**

Tony Jose made a motion to move to the November 30<sup>th</sup> work session. Tom Atkins seconded.

All in favor

The motion passed 7-0

## 2007 DUES

Tom Atkins moved to approve increase of 2007 dues by 4.1%.

Tim Nydegger seconded.

All in favor

The motion passed 7-0

## 2007 CLUBHOUSE RENTAL FEES

Tony Jose stated that with the new deck, increased maintenance costs, and other improvements, an increase in the clubhouse rental fee is needed.

Tony Jose moved to increase the clubhouse rental fee beginning January 1<sup>st</sup>, 2007 from \$250 to \$300.

Tom Atkins seconded

In favor: Tom Atkins, Ed Gross, Bob Orr, Tony Jose, Tim Nydegger and Mike Everly

Against: Dave MacQueen

The motion passed 6 – 1

## 2007 BOAT SLIP AND BOAT STICKER FEES

Brian presented information regarding the history of boat slip and sticker fees. Slip fees have been \$250 for 12 of the past 14 years. The Lake committee recommended slips at \$150. The Board discussed slips at \$300 on the 10/26 meeting. Brian presented RLPOA Covenants Article V, Section 1B – which grants the right of the Association to charge reasonable admission and other fees for the use of any facility situated upon the common area. He also displayed slides of fees other lake communities charge. Slip holders will be getting concrete pads in 2007 which is an extra expense.

There was discussion of the fairness of placing the burden of the lake on slip holders rather than sharing it equally among slip holders and people who use the lake and who do not lease slips. The Board had reduced the sticker fee to \$0 the past 2 years.

Ed made a motion to keep slip lease fees at \$250 for 2007 and to increase boat sticker fees as follows:

### **Boat Stickers:**

<b><i>Attended safety meeting</i></b>	<b>Fee</b>
1st vessel any hp	\$25

### **Boat Stickers:**

<b><i>Did not attend safety meeting</i></b>	<b>Fee</b>
1st vessel any hp	\$150



Subsequent motorized vessels \$150

(other fees would remain the same).  
Mike Everly seconded the motion.

Bob made an amendment to the motion to change boat sticker fees to

**Boat Stickers:**

<b><i>Attended safety meeting</i></b>	<b>Fee</b>
1st vessel any hp	\$50

**Boat Stickers:**

<b><i>Did not attend safety meeting</i></b>	<b>Fee</b>
1st vessel any hp	\$175
Subsequent motorized vessels	\$175

(other fees would remain the same).

Tim Nydegger seconded that amendment.

In favor of the amendment: Bob Orr, Tim Nydegger, Tony Jose, Tom Atkins and Mike Everly

Against amendment: Ed Gross and Dave Mac Queen

Amendment passed: 5-2

In favor of the amended motion: Bob Orr, Tim Nydegger, Tom Atkins, Mike Everly, Ed Gross and Dave Mac Queen

Against amended motion: Tony Jose

Amended motion passed: 6-1

## **2007 BUDGET**

Ed Gross moved to approve the proposed 2007 budget as shown with additional revenue revisions we passed tonight.

Bob Orr seconded

All in favor

The motion passed 7 – 0

## **ARB GUIDELINES – HEIGHT RESTRICTIONS FOR FENCES – ARTERIAL ROADWAYS**

Tony moved to add to the current rule that states: “Arterial roadways in Raintree have been defined as Ward Road, Missouri 150 Highway, Raintree Parkway, Raintree Drive, and Cole Younger Drive.” The following: “Properties on

Windjammer Drive and Windjammer Court abutting Raintree Village may also seek height variances from the Board. (ARB)

Tim seconded

In favor: Tom Atkins, Ed Gross, Tony Jose, Tim Nydegger, Mike Everly, Dave MacQueen

Against: Bob Orr

The motion passed 6 – 1

### **SILT RUNOFF FROM STONEY CREEK**

Ed Gross gave a presentation on the silt coming into the lake from development to the west of Raintree. He intends to research this further, as more development will increase the flow and velocity of storm water. He will work with the Siltation Committee and look for rules from the City of Lee's Summit, DNR and EPA that pertain to these issues.

Brian move to adjourn to executive session to discuss a legal matter with Raintree Village

Open session adjourned at 11:25 p.m.

The Board meeting adjourned after legal discussion at 11:50 p.m.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
WORK SESSION  
DECEMBER 4<sup>TH</sup>, 2006**

A work session of the Raintree Lake Property Owners Association was held on December 4<sup>th</sup>, 2006 at 7:00 PM. Members in attendance were: Brian Whitley, Tom Atkins, Ed Gross, Mike Everly, Tim Nydegger, and Dave MacQueen. Absent were Tony Jose and Bob Orr. Rachelle Vandiver also attended.

**SILT RUNOFF FROM STONEY CREEK**

Ed Gross stated that he had met with David Flick to look at the situation concerning silt runoff from the Stoney Creek subdivision into Raintree Lake. They also looked at the work being undertaken in Raintree Lake, West of ward road by Ira Roberts. Silt fences were placed on the east side of Ward road in the main lake. The plans submitted show the fences on the west side in the undeveloped area of the lake. We need to look at the plans submitted to Planning and Zoning and remain vigilant during the progress of this work. Some suggestions are to: monitor silt levels on a bi-weekly basis on both sides of the causeway; check on the City Council's agenda for any items regarding Stoney Creek development; Request copies of Ira's DNR and Corps of Engineer's permits for this project. We will also meet with Weatherby Lake personnel.

**MONUMENTATION**

Rita Madison and Warren Oblinger made a presentation to the board, and others present, on their preliminary concept for monuments at entrances to Raintree. Two options for the northwest entrance on Raintree Drive had estimates of \$56,380 and \$76,000. The estimate for the Regatta entrance is \$18,000 which included \$3,000 of landscaping. The estimate for the clubhouse entrance is \$20,000 which included \$3,500 of landscaping. Single pillars at the other entrances where limited common ground would not allow for the larger monuments were estimated at \$3,000 each. Electrical and water taps are not included in these prices.

Warren Oblinger suggested looking for options to purchase the one acre tract of land owned by Diane Roberts at the northeast corner of the villas. Tract E is the preferred location for the monuments.

Brian asked Warren if he would generate an additional color rendering of these plans and itemize all the related costs. The intent is to publish this in the shoreline so residents can see the designs.

**BOAT SLIP POLICY SUBSECTION C ON REIMBURSEMENT**

A proposal was tabled from the previous board meeting that would eliminate the prorated refunds for residents with slip leases who terminate their lease in mid term. There was no

discussion on this topic as all said they had read this proposal and are in agreement with it.

## **SEASCAPE A**

The issues of how to resolve the problems with seascape A were to be discussed at this meeting. However, enough of the residents whose homes abut this area, and Tony Jose, could not attend. Brian briefly reviewed previous board discussions and stated that this matter will remain an agenda item for other meetings where concerned residents are in attendance.

## **COMMERCIAL VEHICLE DISCUSSION**

Tim Nydegger stated that Bob Orr has completed a rough draft for the definition of commercial vehicles, but the rest of the subcommittee has not seen it. In response to questions as to why we don't just enforce what is on the books now, Tim stated that the current rule is too subjective and unenforceable.

## **8<sup>th</sup> PLAT**

There have been no further discussions with the developer regarding the turning over of the 8th plat for common ground. Ed Gross suggested that we offer to take it as is, for a fee, and finish the work with our maintenance crew or contractors. Nolan will provide Rachelle an estimate of the cost to bring the 8<sup>th</sup> plat to RLPOA standards.

## **WALKING TRAIL**

Ed Gross stated that the section between the dam and Kingfisher has been recognized as the next priority for the ongoing walking trail project. He reminded everyone of the difficulties of adding rip-rap after the other trails were in place, and suggested we be sure to complete the rip rapping of this area prior to starting any construction. Also, he suggested we streamline the bidding process for the next phase by only requesting bids from the previous 5 lowest bidders. Those in attendance were in agreement.

## **BOARD VACANCY**

Brian stated that the board has the option to appoint a board member to fill the seat vacated by Cheryl Fritts. The new board member's term would expire in March of 2007. Brian mentioned possible candidates as: Judy Schmoger; Penny Wilkenson, who frequently attend board meetings and have expressed an interest in a position, and Marilyn Burasco, who was available for the last vacancy. Brian stated that the board can meet in executive session prior to the next board meeting, to discuss this and make the appointment at the beginning of the board meeting.

## **DAM MAINTENANCE**

Brian asked that the report be put on Board announcements for the December 12<sup>th</sup> meeting. Brian asked Rachelle on the status of DNR's recommendations. Rachelle stated that the animal holes are being filled.

## **JACKSON COUNTY PROTECTIVE SERVICES**

The office received a solicitation for the services of the Jackson County Protective Services, to provide a security patrol for Raintree. Brian stated that it appeared the off-duty Lee's Summit police officers offer a better alternative at the same price. The minimum hours per week for Jackson County was 32 hours. The minimum hours per week for LSPD is 3 hours. Both cost roughly \$30 an hour.

## **K.L. DELANEY OFFER**

The offer made by Karen DeLaney for RLPOA to purchase the Duck Pond and other areas that are slated to become common ground, was rejected by all board members. Brian stated that he would draft a letter of response.

## **SEWER EASEMENTS**

Ed Gross suggested that a response to the offer by the City of Lee's Summit to purchase sewer easements from RLPOA be made in the form of a trade for their commitment to correct the problems of excess silt runoff from Stoney Creek into Raintree Lake. Brian stated that he would draft a letter to make this offer.

The meeting was adjourned at 9:35 PM

RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
DECEMBER 12, 2006

**DETERMINE QUORUM AND CALL MEETING TO ORDER**

A Board meeting of the Raintree Lake Property Owners Association was held on December 12<sup>th</sup> 2006, at 7:00 PM. Members in attendance were: Brian Whitley, Tom Atkins, Ed Gross, Tim Nydegger, Mike Everly, Judy Schmoeger, and Dave MacQueen. Also attending was Rachelle Vandiver. Absent: Tony Jose and Bob Orr.

Brian Whitley called the meeting to order at 7:04 and announced a quorum for the Board meeting.

Dave MacQueen moved to approve the agenda.

Tim Nydegger seconded.

All in favor.

The motion passed 5-0

**OPEN FORUM**

Shirley Thomas announced that Dena Mezger from the City of Lee's Summit will be taking a new job with the city of Lawrence, Kansas, and she will be missed. We will not have an advocate at City Hall for our detention basin concerns so we will have to manage without her. Shirley also stated that there is a Greenway meeting at Legacy Park in Lee's Summit on Monday January 8<sup>th</sup>.

Penny Wilkinson stated that the Cox family has three children, all of whom are suffering from a fatal blood disease. She is circulating a petition asking to have them considered as a candidate for the television program, *Extreme Makeover*.

Eric, and Brandon Carlson, from the Kansas INT League, presented the association with a framed set of pictures from last summer's event, as appreciation for our participation in the event.

**CONSENT AGENDA**

Brian Whitley explained the Consent Agenda and asked for a motion for approval. The December Consent Agenda includes the approval of November minutes and the payment of bills.

Mike Everly moved to approve the consent agenda.

Dave MacQueen seconded

All in favor

The motion passed 5 – 0

## **TREASURER'S FINANCIAL REPORT**

Tom Atkins presented the November Treasurer's Report

### Contents:

Balance Sheet  
Profit and Loss  
Check Register  
Budget Analysis

### Information Items:

Bank account balances as of November:

Bank of Lee's Summit-Checking	\$	50,000
Bank of Lee's Summit-Sweep acct	\$	249,503.14

#### These include reserves for:

Operations	\$	80,158
Dock self insurance	\$	30,000
Siltation	\$	30,000

Expenses for November:	\$	44,019.89
Long term debt:	\$	132,946.42
Outstanding Dues/Fines	\$	28,297.16
Balance Due Liens Filed	\$	41,527.37

Income during November

Dues	\$	44,591.16
Other Income Total	\$	4,583.47

Brian asked for the financial report to be filed for audit.

## **BOARD ANNOUNCEMENTS**

Brian Whitley announced that the board has appointed Judy Schmoeger to fill the position vacated by Cheryl Fritts. Judy joined the board for the remainder of the meeting. Judy's term will expire in March of 2007.

Raintree has submitted four separate requests to be a participant in Lee's Summit's Neighborhood Traffic Safety Program. Two requests were accepted; the Regatta and Raintree Drive locations. Raintree Parkway at the dam, and Ward road were not selected. We need 50% of residents in the Regatta and Raintree Drive areas to sign the petition for it to be considered for funding. Residents in these corridors have already received a first class letter asking for their signature.

The Neighborhood Watch meeting for December has been canceled due to scheduling conflicts with the clubhouse.

The association has received permit approval for the dam. The inspection process did include discovery of numerous animal burrows. The maintenance crew has been filling in these holes and is now applying chemical deterrents, to keep burrowing animals from the area. Also noted, was that the drain valve has not been opened in years.

Tim Nydegger and Ed Gross met with Olsen and Associates on Wednesday to discuss maintenance of the valve at the dam. They also plan to do a presentation to the board in January regarding storm water management.

Brian Whitley requested that Bob Orr and Cheryl Fritts present their proposal for wording of the commercial vehicles regulation.

## **LEGAL**

Lou-Aire and Raintree v MoDOT and James Cape & Sons: there is a delay due to the replacement of the plaintiff's attorney. Nothing new to report.

Joe Willerth, attorney for RLPOA, issued his opinion letter regarding membership rights of commercial units, as requested by the board due to the commercial development within Raintree. Joe also approved the agreement for a utility easement for Southwestern Bell.

## **BOAT SLIP APPEAL**

Greg Schuh appealed his slip forfeiture due to late payment of dues.

Mike Everly moved to rescind the previous motion and allow Mr. Schuh to keep his slip with the provision that all his dues be put up to date, and pay a \$200 fine.

Tim Nydegger seconded.

All in favor.

The motion passed 6 – 0

## **MODIFICATION OF BOAT SLIP LEASE**

Brian Whitley stated that with the current policy, revenue is lost between the time a resident moves out of Raintree and a new resident is assigned a slip. The proposed change will reduce an administrative burden on staff in following up with individuals who have moved out of Raintree.

Tim Nydegger moved to have: "Lessee shall be reimbursed on any lease their remaining monthly per-diem (current annual lease cost divided by 12 months);



less any monetary indebtedness to RLPOA.” removed from the Boat Slip Policy. Also, to have: “In the event of such cancellation, refund will be per Paragraph “C” of the Boat Slip Policy dated October 8, 1996.” removed from the boat slip lease agreement.

Tom Atkins seconded

In favor: Tim Nydegger, Tom Atkins, Judy Schmoeger, Tim Nydegger, Ed Gross, Dave MacQueen.

Against: Mike Everly

The motion passed 5 – 1

## **ARB RETRACTIBLE AWNING APPEAL**

Brian Whitley reviewed the current ARB guidelines regarding awnings. Jim and Mina McClure received approval from the Raintree Villas ARB for the installation of their awning. However, the Raintree Villas’ guidelines are in conflict with RLPOA guidelines. Jim McClure spoke to the board about the process where he intended to follow the rules, but was not aware of the conflicting guidelines. Jim Stoddard, from Budget Blinds gave a presentation on the awning that has been installed.

Ed Gross moved to approve this awning so we can evaluate it with condition it meets Raintree Villas’ requirements, and is a solid color, matching the home.

Mike Everly seconded.

In favor: Ed Gross, Mike Everly, Tim Nydegger, Judy Schmoeger, Dave MacQueen

Against: Tom Atkins

The motion passed 5 – 1

## **SILT FENCE FINE APPEAL**

Greg Laster, of Durango Homes, appealed his fine for lack of a silt fence on lots 48 and 49 in North Shore. Greg stated that the compliance time was insufficient to remedy the situation in the specified time frame. He stated the fences were placed at the back of the lot where the lowest point is, and if that was not sufficient, the manager should have been more specific.

Mike Everly moved to sustain the fines (\$200).

Tom Atkins seconded.

Ed Gross moved to amend the motion to reduce the total fine to \$100 due to the questionable nature.

Dave MacQueen seconded

For the amendment: Ed Gross, Dave MacQueen

Against the amendment: Tom Atkins, Mike Everly, Judy Schmoeger, Tim Nydegger

The amendment to the motion failed 2 - 4

In favor of the motion not amended: Mike Everly, Tom Atkins, Judy Schmoeger, Tim Nydegger

Against: Dave MacQueen

Abstain: Ed Gross

The motion passed 4 – 1 – 1

## **REGATTA MONUMENT**

The proposed monument at the Regatta entrance to Raintree is part of a \$150,000 project proposed by the common ground committee. Considering a 20% variance in final costs, the price may be \$21,600 or higher.

Ed Gross moved to approve up to \$22,000 for building an entrance monument at the Regatta entrance to Raintree.

Mike Everly seconded.

In favor: Ed Gross, Mike Everly, Tim Nydegger, Tom Atkins, Dave MacQueen

Abstain: Judy Schmoeger

The motion passed 5 – 1

Tom Atkins moved to adjourn to executive session to discuss the annual performance review of Rachelle Vandiver, the General Manager of RLPOA.

Mike Everly seconded.

All in favor.

The open session adjourned at 9:05.

**RAINTREE LAKE PROPERTY OWNERS ASSOCIATION  
WORK SESSION  
DECEMBER 28<sup>TH</sup>, 2006**

A work session of the Raintree Lake Property Owners Association was held on December 28<sup>th</sup>, 2006 at 7:00 PM. Members in attendance were: Brian Whitley, Tony Jose, Tom Atkins, Ed Gross, Mike Everly, Bob Orr, Tim Nydegger, and Judy Schmoeger. Absent: Dave MacQueen. Rachelle Vandiver also attended.

**COMMERCIAL VEHICLE DISCUSSION**

Tim Nydegger presented a draft of the commercial vehicle definition that he has been working on with Bob Orr, and Cheryl Fritts. There was a lengthy discussion regarding the enforceability of these guidelines and the challenge of interpreting them fairly. Brian Whitley asked for volunteers to take pictures of vehicles that may fall under these guidelines, particularly those that are questionable. These pictures will be used in a power point presentation at the next work session, to discuss the feasibility of enforcing the new guidelines. An announcement inviting resident involvement in open forum discussions about commercial vehicles was made in the January Shoreline. The January Board meeting and work session will allow residents opportunities to bring any additional points for the Board to consider.

**SEASCAPE A**

There has not been any progress on the problems at seascape A. The water level has been low but holding steady according to several people who have been monitoring the waterscape. There have been discussions in the past about filling the pond with water from the main lake and find out how well it maintains level, and whether or not it drains towards nearby foundations. Brian asked Rachelle to send a letter to homeowners adjacent to the seascape to ask for their participation in monitoring their sump pump activity up to and after the filling of the seascape, which will be planned for February or March.

**WEATHERBY LAKE MEETING**

Brian Whitley stated that a meeting is being planned for some board members to visit with Weatherby Lake officials to learn from their past experiences in dealing with siltation problems from upstream developers and MoDot. The proposed date will be on or near February 20<sup>th</sup> 2007.

## **WARD ROAD DE-SILTING PROJECT**

Neither the developer nor a representative attended the meeting to discuss the ongoing project of removing silt, west of Ward road. Bob Orr pointed out the check dam that is being used, discussed its effectiveness, and suggested we consider similar concepts at other inlets where large amounts of debris enter the lake.

## **WALKING TRAIL**

It was discussed that prior to starting the walking trail project to complete the trail on the south side of the lake, we will first need to complete the rip rap work in this area. Shoreline restoration may be needed in at least one area to properly install the walking trail. Bob Orr suggested hiring a professional consultant to explore options for shoreline restoration and check dams where large volumes of water enter the lake. This information was provided to Rachelle and Rachelle will follow-up to ensure this project begins early in 2007.

## **8<sup>TH</sup> PLAT**

The 8<sup>th</sup> plat has been presented to the association to be turned over by the developer as common ground. After inspection, it was determined that more work is needed to bring it to the standard that would be acceptable as common ground. After several months, the developer has not made efforts to begin this work. Rachelle presented a rough estimate for completing the work using the maintenance crew. She conservatively estimated it would cost at least \$7,720, and would take the crew away from other work while this was being done. She is awaiting estimates from contractors to provide a revised bid. This amount does not include repairing the low lying sidewalk. Rachelle suggested offering the option to the developer of paying to have our maintenance crew finish his work. Brian directed Rachelle to draft a letter with this offer.

## **RAINTREE DRIVE CAUSEWAY**

Bob Orr stated that he has investigated options for enabling boats to pass under the Raintree Drive causeway into Sunset Cove. He stated that a bridge would be cost prohibitive, but a box culvert large enough to accommodate boats could be installed for \$500,000 and perhaps as little as \$150,000.

The meeting was adjourned at 9:25 PM