

ARROWHEAD IMPROVEMENT ASSOCIATION SPECIAL BOARD MEETING

June 29, 2009

Approved July 18, 2009

A special meeting of the AIA Board was called by President Paul McDermott in order to discuss the issues between the Burrichers and the Broyles. President Paul McDermott called the meeting to order in the Arrowhead Fire House at 1:30 p.m. on June 28, 2009. Board members present were Donald Koeltzow, Ralph Ambruster, Randy Touslee, and Richard Ostrum. Representatives from the Design Review Committee present were Joyce Boulter (Head), Lynda Dysart, and Joan Aufderheide. Also present were Jim and Sally Burrichter and Don and Jan Broyles.

President McDermott determined that a quorum of Board members was present.

He opened the meeting by asking that all attendees introduce themselves and state why they were present at the meeting. After introductions, he asked that Joyce Boulter provide an overview of the events involving the Design Review Committee and the dispute between the Burrichers and the Broyles. Joyce Boulter stated that the Design Review Committee had recommended that Mr. Broyles not build his home so close to the Burrichter residence. She summarized that after construction of the Broyles home had begun, the Design Review Committee received a letter from the Burrichers asking for help in screening their lot from the Broyles home. This led to the development of the current berm project that was approved by the Committee in 2008. Joyce Boulter stated that questions remained regarding placement of the berm and the use of AIA equipment and manpower to construct it. A complete chronological history of the project is contained in the file attached to these minutes.

Linda Dysart stated that a lot of what was decided will not be done. The berm will not be on common ground and the trees will be purchased by the Burrichers. Joan Aufderheide stated that dirt for the berm came from the installation of a septic system at 350 Hazel Lake and that the owner wanted to get rid of it. She stated that the proposed berm would be high enough to get the tree roots up out of the ground water which will make it approximately 3 feet high. It will be tapered to fit in with surrounding décor.

Paul McDermott asked the Burrichers to give a five minute statement of their case. Jim Burrichter stated that the berm would be located on his property, he was going to buy the trees, and he would get help to move the dirt himself since he understood that the plan to use AIA equipment and manpower to move the dirt had been stopped. He stated that they had lost their privacy in that he can watch the Broyles' television from his back deck.

Ralph Ambruster explained that, after the last Board meeting, he had been approached by the Broyles who asked that they be allowed to discuss their issues with the Board. Because he felt that the Board should represent all homeowners, he asked that a temporary hold be put on the use of AIA equipment and personnel to build the berm until the Board had a chance to hear the Broyles' issues.

Randy Touslee asked Mr. Burrichter at what point in the process of the berm construction and development did he expect it to provide the desired screening. Mr. Burrichter responded that, since the berm would be approximately 3 feet high and since he planned to purchase trees that were 8 to 10 feet tall, he expected the screening effects to be immediate.

Paul McDermott then asked the Broyles to give a five minute statement of their case.

Don Broyles stated that when Linda Dysart and Joan Aufderheide came to visit him with the plans, he was disturbed because the covenants seemed to stress "natural growth" in the regulations. He stated that he built his cabin on the lot the way that he did specifically because there were no trees to the south. His cabin has a sun room that is designed to provide significant solar heating to decrease his heat bills and to use less energy. He also stated that the house was also for his kids and grandkids and so having a barrier of trees that could reach heights of 100 feet planted to the south of his property was a concern to him. He sent an email to Paul McDermott voicing his objections to the berm and trees that were being planned. He summarized that anything that Mr. Burrichter does in the creation of a natural tree barrier will impact him at some point in time. He also stated that, in his opinion, the berm being proposed was really a fence and would not look natural.

Jan Broyles asked if the three trees that have already been planted were on common ground. Ralph Ambruster responded that they were on common ground and that this had been approved by the Design Review Committee. She stated that she saw a conflict with the covenants in that owners were not allowed to put up a 4-inch fence but we were discussing a 3-foot berm. She also expressed a desire for better communication.

Paul McDermott then opened the discussion to Board members. There was general agreement that both parties would welcome increased privacy. However, Mr. Broyles stated that he would not want this if it had to be provided by trees that would eventually grow to 100 foot maturity.

Mr. McDermott asked Mr. Burrichter what types of trees would be planted on the berm. Mr. Burrichter stated that there would be conifers, aspen, choke cherry and willows. Mr. McDermott pointed out that, due to our elevation and cooler temperatures, tree growth in Arrowhead was slow and that it would take approximately 100 years to grow a 100-foot tall tree.

Donald Koeltzow stated that the covenants were designed to protect the Arrowhead as a "highly desirable, rural residential and recreational area" and that one of the expressed

duties of the Association was to “prevent the maintenance of nuisance and impairment of the attractiveness and value of property within Arrowhead.”

After further discussion of the privacy issue and the reasons Mr. Broyles selected his building site, Ralph Ambruster moved that we leave the three trees that had been planted on common ground where they were and that we allow the use of AIA equipment and manpower to generate the proposed berm. The motion was seconded by Richard Ostrum.

During discussion, it was pointed out that the proposed berm would be approximately 3 feet high, from 15 to 20 feet wide at its widest point, and from 15 to 20 feet long.

The motion was passed unanimously. The meeting adjourned at 2:45 p.m.