

Mount Massive Lakes

Board Meeting

January 26, 2019

9:30 AM

Mulligan Residence Arvada, CO

Draft : Subject to Board Approval

1. **Verification of Quorum:** Board members Gregg Anderson, Joe Angleson, Janice Good, Jim Keller, Ham Lokey, Shaun Mulligan and Colin Perry were present.

Manager Brent Groenke was present.

Members Kevin Lentz, Jan Gray, Terry and Alan Williamson, Bob Good, Barbara and Kelly Miller, Irene Green, Bill Bennett, Jack Swanzy, Karl Bruce and Bruce Waring were present.

Being a quorum, president Angleson called the meeting to order at 9:35 am

2. **Approval of Sept 1, 2018 Board Meeting Minutes:** Motion by Anderson and second by Good. Approved by all.
3. **Manager's Report:**
 - Brent began the report with the accrued vacation / comp days for each staff member. Brent has 13 and Bryan has 5. Josh, the temp staff member, is not eligible yet.
 - Brent reported that snow pack in the mountains appears to be good for this time of year but, as always, we are looking forward to heavy snows in Feb, Mar and Apr. Brent did comment that we are losing water out of Lake #3 again due to seepage and the severity of the drought last summer.
 - Brent gave a quick review of all year classes and species of fish in our hatchery system. Of special note: Brent was able to acquire 5,000 splake eggs from a New England hatchery as a result of a contact he made during one of the conferences he attended. Brent also noted that we once again received 5,000 cutbow eggs from the CDP&W. Brent added that the cutbows are a very hard fish – their main drawback is that they do not grow as fast as our triploid rainbows. Brent reported that we still have 1,150 super-catchables to put out this spring. Brent

reminded the board that staff stocked out and fin clipped 730 super-catchables right before ice-on as an experiment to see how they do in our lakes over the winter vs. our rearing ponds. The hope is that the fish stocked out in the lakes will survive better than those in the ponds which seem to suffer significant losses from disease and predation due to the close quarters in the rearing ponds.

- Brent listed several fishery conferences that he and staff would be attending over the next few weeks and months. Brent emphasized the value of these meetings is not only learning of new and better ways to raise fish but the contacts and relationships built that allow us to do things like acquiring splake eggs.
- Brent provided each board member with detailed results of the 2018 creel census data. Brent commented that due to the poor performance of Lake #9 last year (suspecting significant winter kill prior to the season) staff will stock extra fish this spring to re-establish Lake #9 as one of the premier fishing lakes on this club.
- Brent commented that in the last 35 years, our data shows the average temperature in our lakes has risen 3 degrees.
- Brent informed the board that MML should be stipulating out of the Salida water case in February. This is the only active water case we have at the time.
- Brent reported that the club ended the season with 1205 guest permits for a total of \$50,760 surpassing the budget of \$48,000.
- Brent then gave a slide presentation of the reconstruction of Hatchery Pond. The pond was budgeted at \$40,000 and actually ran \$67,565 due primarily to more hours of excavating than estimated and an extra 80 cubic yards of concrete due to a large soft spot. President Angleson reminded those in attendance that, due to the numbers of unknowns related to this project, the board fully anticipated the project to run over and the monies would be taken from the emergency fund. Brent stated that due to some extra revenue realized during the year (guest fees and transfer fees) along with some monies saved on the expense side that we may have enough operating surplus to not have to dip into the emergency fund.

4. Old Business:

- Salida water case reviewed during the manager's report.

5. LUC:

- Chairman Bill Bennett gave a brief review of the projects approved during the 2018 fishing season. Bill stated that there is one addition that changed significantly after the first approval and the LUC is awaiting new drawings complete with elevations before approving again. Bill reminded those in attendance that the LUC will not normally review applications after Oct 1 and until May due to the fact that most members do not frequent the club during the

winter and would not be able to comment on if their view will be impacted or not from a proposed construction project.

- Bill reported that the LUC sent letters to all members that had done projects in the last couple of years reminding them of their responsibility to re-seed the construction area.
- Bill was thanked for his leadership of the LUC.

6. **Website** – Gregg Anderson commented that he has seen a number of inquiries generated via the website asking about the club and how to join. Gregg will answer basic questions but then refers people to those members trying to sell. Gregg also commented he will likely require a password change at least once a year for security reasons. Member Karl Bruce commented that the Land's End account for members wanting apparel with the MML logo is gaining momentum. Karl was thanked for his efforts on this initiative and Gregg was thanked once again for all his efforts on the web site.

7. **Budget:**

- Brent gave a brief update on the 2018-2019 budget. There were no items out of line enough to warrant lengthy discussion. He projects to end the year with about \$25,000 extra that will be used to compensate for the over-run on the Hatchery Pond renovation. The 2019-2020 proposed budget was not reviewed with the exception that Brent and president Angleson noted that one possible focus for this year's special project may be to acquire or build an additional cabin to allow all three MML staff members to live on the club. More will be discussed at the April board meeting prior to finalizing the budget.

8. **New Business:**

- President Angleson reported that four board members will have terms expiring this May --- Anderson, Angleson, Lokey and Perry. All members indicated they intended to seek re-election. Angleson commented that we would advertise in the next Troutline for anyone wanting to run for board election.
- Angleson then reported that one of our members, Robert Prouty, has had a lien filed against him from a subcontractor and the lien has also named MML as the owner of the land. Joe informed the board that a response is due to the court no later than Feb 11, 2019 and it will require the club to seek legal counsel and assistance in preparing a response. Joe explained that member Kevin Lentz, due to his significant real-estate knowledge, had been consulted. Member Lentz, the week prior to the board meeting, conducted significant research with regards to the lien as well as contacting several attorneys, familiar with liens, that would be willing to assist the club.
- Angleson said the board would then focus on the following three areas in regards to the lien:

- A. The need, during executive session, to discuss the attorney options as presented by member Lentz.
- B. Draft a response to member Prouty.
- C. Discuss ideas to protect the club from this type of exposure in the future.
- **Motion** by Mulligan and second by Keller: **If the lien is not cured within 7 days from the date of the board meeting, President Angleson will call a special board meeting to recommend the expulsion of member Prouty for putting the club in harm's way. After a very lengthy discussion, Angleson called for a vote.** The motion failed by a vote of 2 in favor and 5 against.
- **Motion** by Good and second by Mulligan: **The board shall retain legal counsel to draft a response to the lien and future defense of the club related to the lien if needed. Member Prouty shall be responsible to reimburse the club for all legal fees as well as any other fees associated with the lien.** Approved by all.
- **Motion** by Good and second by Anderson: **Member Prouty shall have fishing privileges suspended immediately. Privileges may not be reinstated until all liens are released and civil actions settled to the satisfaction of the MML board and counsel. Furthermore, privileges may not be reinstated until all costs incurred by MML regarding this issue have been properly and fully reimbursed.** Approved by all.
- A short discussion ensued regarding possible ways to protect the club from future similar incidents. All agreed that we would know more and be better informed after legal counsel deals with this situation and may be able to advise us as to some measures we may implement during the LU Application process as well as during construction. To be revisited at the April meeting.

9. **Next Meeting:**

- April 27, 2019 at 9:30 AM -- Rampart Supply 1801 N Union Blvd, Colorado Springs, CO 80909

10. **Motion to Adjourn:**

- Motion by Anderson and second by Lokey. Meeting adjourned at 12:15 PM

11. **Motion to reconvene the meeting** by Good , second by Perry at 12:45

- **Motion** by Mulligan and second by Perry: **The board shall retain the legal counsel of Robert H. Winter, Attorney at Law, to represent MML in the response to the lien as well as future counsel regarding the lien as needed. Due to expediency needed, the \$2,000 retainer fee will be provided by board member Mulligan to be reimbursed by MML as soon as possible.** Approved by all.

12. **Motion to Adjourn.** Motion by Good, second by Keller to adjourn at 12:55 PM.