

# **Cheyenne Regulators**

## **Emergency Meeting**

August 9, 2012

### **I. Call to order**

**Tanya O'Dell, Secretary,** called to order the executive board and regular meeting of the **Cheyenne Regulators** at 6:30pm on **August 9, 2012** at the Holiday Inn

### **II. Members Present**

Ray Martin (Lawyer for Cheyenne Regulators), Jerry Baker, Stephanie Baker, Joshua Baker, Bob Reed, Wendy Reed, Doug O'Dell, Tanya O'Dell, Chris Hardy, Kari Hardy, Bill Capozella, Dave Bishop, Bonnie Bishop, Len Peters, Merrill Clark, Rusty Woodward, Anna Manley, John Manley, Bob Poch, Dave Wiesinger, Craig Robins, Carl Marvin, Sherry Birch, Glenn Reed Jr., Ken Boys Sr., Mike Towers, Mary Richard, Mary Powers, Gary Monce, Larry Meltzer, Ken Zubrod, Renee Krawiec, Troy Krawiec, Russ Goodwin, Jack Waechter, Don Maloff, Mark Fetter, Stacie Fetter, Dave Fass Jr., Rom Reedy, Dave Chapman, Dave Moore, John Brewer

### **III. New Business**

- a) Current status of lease proposal: Ray Martin- Regulators board members received letter from Mark Eisle on 8/7/2012 which was dated 8/3/2012. He will try to answer questions that he can. Bill Capozella asked is the old lease still valid? Ray has looked at old lease and meeting minutes and they state that the lease expired in March 2012. There is wording in the minutes as to a month to month lease pending negotiations of the new lease. All option are open for discussion. A court would have to decide the terms of the old lease. Larry Meltzer asked has something like this come up in the past. Ray yes in other states. The buildings are trade fixtures. John Manley asked

it appears that there was deception of the board that caused them not to take action, does any deception bear on this case. Ray- it can. John Manley made statements that all old agreements from Ann King state something different than what Mark Eisle has been stating. Ray cannot say yes or no. Ray with law suits there are many ways a case can go. Bill Capozella says that the letter states that we have remove all items by August 31, 2012. Can we still pursue legal action if remove? Ray says that there are time limits. Can the buildings be removed and still allow for legal action. Ray If you want to pursue legal action it would be in the best interest to leave the buildings. An Injunction may be the way to handle this. John Manley- is it a possible option to operate until the end of this year? Ray I cannot answer this question, a court would have to decide this. Mary Power- Why are we talking injunctions instead of renewing the lease. Ray you still need a status quote to protect the assets. Ray the terms of the new lease have terms very different from the original lease. Ken Zubrod- What do you estimate as the cost of legal? Ray I cannot tell you the cost. The prevailing party can recoup costs if they win law suit based on terms of the lease. Len Peters asked hypothetically if we go elsewhere there is mention of amenities such as gate system, computers and other items should we leave or ask to be reimbursed. It depends on the item if it is trade fixtures or not. Ray it would depend on the offer from the other side. Is it a fair market offer, less depreciation? Parties can agree however they like. Len Peters if we walk away from lease does the shooting range members remain with us or with the new range. Ray thinks that the law would say inequitable approach would be taken meaning that the range members would have to be refund the prorated amount due to them or let Mark Eisle take over the members. Bill Capozella said that the new range has already had an open house and accepting new members. There is an ad in the traders. Ray there is a problem with this based on the dates of when the proposed lease. Larry Metzler-no one will win if we fight over this. Ray does not encourage a law suit. John Manley the original leases intent was to acquire the property. At this point that is not going to happen. Do we want to be a club or negotiate with the land owner and continue shooting there? The proposed lease is not a reasonable lease. Ray he feels the proposed lease was done by a lawyer. He feels that the current position is unreasonable. He feels there is room for negotiations that are

reasonable. Ken Zubrod do you know how this all started? Ray I have seen minutes. Ken Zubrod says that the changes are due to problems with the land. Ray he cannot tell you if this is true fact. John Manley says this happen on state land. Does the club want to run a range? He feels that the club has not done a good job of this in the past. Bill Capozella what would you recommend for the club? Ray he cannot answer this, he can negotiate for us on legal matters. A decision needs to be made as to which way the club wants to go. Ken Zubrod asked has Mark Eilse been paid. Bill Capozella says there was a check written to send to Mark Eilse. Ray there was an offer made to Mark Eilse to pay current rent based on the old lease. Ray says based on meeting minutes that we are on a month to month lease. That the club needs to make a decision on how to move forward. Ray mediation is an option. The parties would have to agree to the terms. Arbitration is more of a mini trial. He suggest mediation 1<sup>st</sup>. Jerry Baker what if Mark Eilse says no and to get of the land. John Manley asked what is your take on his lawyer. Ray Does not know him. Len Peters asked what happens to the \$10000.00 escrow amount. Ray it is set aside for restoration of reseeding the land to original state, due to the land staying as a range the money would probably go back to the club. Bill Capozella asked does the land have to been put back to the original state. Ray would have to read the lease to answer. Mark Eilse has shown that he wants to keep it as a range. Ray it would need it be determined if Mark Eilse owes the \$30000.00 back to the club. Jerry Baker asked would it be a safe bet to offer mediation. Ray said yes. Jerry Baker put a motion to contact Mark Eilse about mediation by contact of Ray Martin and ask for an extension of the terms of removal of property with the board as the representation of the club. This will go through Mark Eisles Attorney. Ray would like to get an answer by 8-15-2012 from Mark Eilse on whether he is open to mediation. Bob Reed said the club should no longer be running a gun club. Ray said a committee should be put together to cover issues, so that the entire membership is not trying to come to an agreement. Motion carries, voted 32 for and 0 against. John Manley stated that the next club meeting is the 23<sup>rd</sup> of August. Renee Krawiec asked if the shoots could continue. It was decided to keep all shoots on hold for now. Sherry Birch wants to know what plan B is. Mark Fetter wants to know who is reporting to Ray. Ray is reporting to Troy Husler. Rom Reedy who will

decide mediation for the club? The board will. Once the board makes a decision then it will be presented to the membership. If an emergency meeting is needed it will be called by the board. Ray Martin left the meeting. John Manley showed an advertisement regarding the open house of the Cheyenne Regulators LLC on July 14-15<sup>th</sup> 2012. The ad states the web address and contact numbers of the Cheyenne Regulators.org. John feels that Hank and Dee have a conflict of interest. He would like to discuss at the next meeting expelling them. Discussion was made by members. Sherry Birch would like a letter sent to Dee that the current range membership list is proprietary to the club and that it needs to be returned to the club along with all club items.

### **Adjournment**

**Tanya O'Dell, Secretary**, adjourned the meeting at **7:58pm**.

Minutes submitted by: Tanya O'Dell, Secretary