

## Minutes Elk Meadows HOA Annual Meeting 5/25/24

The meeting was called to order at 10:05 am by President Jennifer Wynn

Members Present: Mark Petroni, Peggy Lynn, Mark Russell, Jennifer Wynn, Tom Plumb, Regan Whitworth, Nancy Fitch, Erik Fernandez, Mike Richards, Kurt Krueger, Jennifer Krueger, Patrick Browne, Dave Kisko, Stevie Kisko, Bob Wallace, Laurie Wallace, Joe Militello, Thomas Wilson, Kevin Vanderby, Lisa Vanderby

President's Report - Jennifer Wynn

By-Laws have been revised and updated, effective 2024

Reminder - if you are planning to build please notify the Architecture and Aesthetic Review Committee (AAR Committee) before beginning your work. This also applies to cutting trees on your property,

Serving on the AAR Committee are Jennifer Wynn, Regan Whitworth and Patrick Browne.

Treasurer's Report - Mark Petroni

Copies of the 2023 Treasurer's Report were distributed to all members

Mark presented the proposed 2024 Budget

Secretary's Report - Bob Wallace

All routine communications were completed throughout the course of the 2023-24 year

Architectural and Aesthetic Review Committee Report

The AAR Committee experienced no controversies in the conduct of regular business

Elections

Jennifer Wynn's term as Director has expired

Jennifer was nominated to serve as Director for the term 5/24 through 5/27 (3 years)

Motion: Tom Plumb

Second: Bob Wallace

The vote was unanimous

New Cistern

Elk Meadows currently has three 10,000 gal. cisterns strategically placed throughout the community. The installation of a fourth cistern at the top of Elk Meadows Road would ensure that no property was further than 1,000 feet from a source of water for fire fighting. A bid has been received for a total of \$37,000 to complete the installation of a 10,000 gal. cistern. The 2024 budget contains a \$40,000 line item for the completion of this work. Mark Petroni will contact the bidder and arrange for work to be scheduled.

## Noxious Weed Control

The HOA has purchased equipment to apply herbicide for the control of noxious weeds. This equipment is available for use by all property owners. Contact Mark Petroni to arrange for use.

Herbicide will be purchased for use this summer.

JNB Weed Control has contracted with the HOA for yearly spraying of the roadsides. The HOA will continue this service for summer 2024.

JNB has also performed weed control for regular customers, and will continue to offer that service this year. The company is not accepting any new business.

Other weed control companies are available in the local area.

The Declaration of Protective Covenants for the Elk Meadows Subdivision states the following:

### Section 2.5 Weed Control

Each Owner must prevent noxious weeds from growing and propagating on the Owner's Lot, must re-vegetate any areas disturbed by construction or maintenance with beneficial species as soon as the construction or maintenance is completed, and must comply with all applicable state and county weed control requirements

### Section 2.8 No Nuisances

- (v) No Owner may permit noxious weeds to exist and propagate on the Owner's Lot

The Elk Meadows HOA and its members are concerned that this mandate is not being met by all Lot Owners. This limits the effectiveness for those property owners who are taking the necessary steps to control noxious weeds.

The Secretary will send an Email notice to the Owners of all 42 lots in the subdivision that the HOA expects the Property Owner to comply with the Covenants. Sixty (60) days after this notification, Owners out of compliance with the Covenants will be sent a second email detailing specific violations. If no action has been taken to resolve these violations, a third communication will be sent 120 days after the original email detailing the next steps to be taken by the HOA in accordance with Sections 8.4 to 8.6 of the Declaration of Protective Covenants.

The Covenants state the following:

Section 8.4 Disputes between Neighbors. To promote continued harmony within the development, when neighbors have a dispute or concern with one another, they agree to:

- (i) First, if possible, talk to the person directly.
- (ii) Second, mediate the dispute in a civil manner, keeping in mind that continued good relationships with one's neighbors is of the utmost importance. The mediator must be acceptable to both parties, both parties will share equally in the cost of mediation, and the mediator must be a full member in good standing of the Montana Mediation Association.

(iii) Third, if the first two communication attempts fail, members may take legal action to enforce the Covenants.

Section 8.5 Enforcement of this Declaration. If any Owner or Occupant fails to comply with or violates any provision of this Declaration of the Rules and Regulations, then either the Association or another Owner or Occupant may bring an action to recover amounts owed by the Owner, for damages, for injunctive relief, for foreclosure of the Association's lien on the Owner's Lot, or for any other remedy available to the Association or the other Owners and Occupants at law or in equity.

Section 8.6 Attorney's fees. If any lawsuit, arbitration, or other legal proceeding is instituted by the Association or any Owner or Occupant to enforce the terms of this declaration, the unsuccessful party to the proceedings will pay the reasonable attorney's fees and legal costs of all parties, as they may be approved by the court or arbitrator having jurisdiction over the proceedings.

#### Dust Abatement

Grading by the county has taken place throughout the subdivision this spring. The grading will be completed by late June, at which time the county will apply a dust abatement treaty to Elk Meadows Lane, and if needed to Mule Deer Lane.

The county last applied this treatment in summer 2022. The treatment was effective not only in dust abatement but also in maintaining the quality of the roads.

County taxes paid by subdivision members are used to pay for these services.

If an HOA member has specific concerns regarding the condition of the road s/he is encouraged to contact the county directly.

#### Liability Insurance

The EMHOA has liability insurance. The policy was just renewed last week.

Led by Patrick Browne, the Board will review the policy, and make any recommendations regarding changes.

#### Fire Season

Homeowner Firesafe information was distributed to members.

Owners have certain actions they can take to best limit the likelihood of fire burning out of control, affecting both their property and the subdivision in general

This should be a common goal: "Your fire is our fire!"

Taking actions to prevent a fire from burning your home and property can positively affect your homeowner's insurance.

Covenant Section 3.2 Creation of defensible space states that "Each Owner shall create a defensible space for fire protection purposes around the residence and other structures on that Owner's Lot by reducing and removing vegetation in the manner specified in the "Wildland/Residential Interface Vegetation Reduction Guidelines" which are attached to this declaration as Exhibit A."

Appendix A of the Covenants addresses specific measures to limit an uncontrolled burn in our community. Thinning of trees is required as part of the process to create a defensible space on your land.

Similar to weed abatement, HOA members are concerned that some Property Owners are not taking the necessary steps to limit fire damage both for themselves and in the community. Thinning and deadwood removal is not only part of responsible stewardship and being a good neighbor, it reduces potential liability. If a fire spreads through an irresponsibly-maintained lot, the owner has potential liability for damage on other lots to which the fire spreads.

Patrick Browne moved, and the membership approved, the three step notification process outlined in the noxious weeds discussion, prior to the HOA taking action to support a mechanism which will compel Owners to accept and act on their responsibilities regarding noxious weeds and fire safety.

The HOA has a Forestry Committee, with members Thomas Wilson, Mark Petroni, and Kurt Krueger. The committee has conducted an analysis of the subdivisions forest health and fire hazard. This analysis is available in the "Fire Wise and Forestry Assessment - 2022" document on the Elk Meadows HOA Website. For additional information regarding your parcel please contact one of the committee members.

Review and discussion of current/past year issues with HOA rules:

Dogs - several people were terrorized last summer by dogs while walking past a specific property. The residents received a letter notifying them of the problem, and no further problem has occurred. The issue seems to have been resolved.

Snowmobiles - there was a misunderstanding that led to the only known incident of a snowmobile on subdivision roads last winter. This issue has been resolved.

Signage - Signage is limited to those usages (street number and/or name, for sale) approved in the Covenants. Private Property signs are not permitted as per the Covenants

New Business

Mark Petroni - All but one Owner is up to date on HOA dues payment. There is a late fee assessment of 10% applied yearly for delinquent accounts. Mark will notice that individual.

Tom Plumb will continue to put information on the Elk Meadows HOA website, including notices, meeting minutes and general information to members.

If someone is interested in providing additional information to the Website, or helping Tom, please contact him.

Dave Kisko - what is the mechanism for increasing HOA dues? The current assessment of \$200 is not in keeping with inflation and cost of living adjustments.

Following discussion a motion was made to increase the HOA dues to \$300 effective for the 2024-25 term. Motion: Patrick Browne

Second: Joe Militello

The motion passed unanimously

[Note: after the meeting it was determined that the general assessment can be raised by the Board without the approval of the membership. The discussion and approved motion are instrumental in initiating that Board Action. Effective March, 2025, the HOA dues assessment will be \$300]

Meeting Next Year - scheduled for May 24, 2025

Minutes submitted by Bob Wallace, Secretary

Minutes of Board Meeting following General Membership Meeting

The Officers for the 24-25 term will be:

President - Jennifer Wynn

Treasurer - Mark Petroni

Secretary - Bob Wallace

Board of Directors:

Jennifer Wynn

Patrick Browne

Regan Whitworth