

## **MINUTES OF THE ANNUAL MEETING FOR THE ELK MEADOWS HOMEOWNERS ASSOCIATION**

The Annual Meeting for the Elk Meadows Home Owners Association was held at 3:00 on May 29 2021.

### **Record of Meeting Attendance:**

Kurt and Jennifer Kreuger (1 lot)  
Clint and Julie Henry (1 lot)  
Mike and Mary Richards (1 lot)  
Mark and Peggy Lynn Petroni (1 lot)  
Becky Todd (with Clearwater Realty as Proxy for Jeff Bleile) (1 lot)  
Bob and Laurie Wallace (1 lot)  
Tom and Haley Willson (1 lot)  
Kirsten Messer (1 lot)  
Regan Whitworth and Nancy Fitch (2 lots)  
Tom and Gail Plumb (as Proxy for Gary Russell and Tom Samuelson) (3 lots)  
Margot Beldon (Representing Pitchfork Investments) (1 lot)  
Justin Dixon (1 lot)  
Jennifer Wynn (1 lot)  
Pat and Kim Brown (1 lot)  
Curt Carlson (1 lot)  
Total of - 18 Lots

### **Election of Chair and Secretary of the Meeting:**

No election was held for Chair or Secretary, Kurt Kreuger assumed the responsibilities of the Chair and Tom Plumb volunteered to act as Secretary for the Annual Meeting.

### **Discussion Items Presented:**

1. Trees:
  - a. Ten (10) years ago we had significant beetle kill and we applied for and received a grant to remove the dead trees. Since then, we have been replanting approximately 64 trees per year, some western larch, aspen, spruce, white bark pine, ponderosa pine and juniper.
2. Collection of dues:
  - a. Kurt noted that we have received over \$4,000 in back dues because of the sale of lots. The title company in Anaconda has been good about collecting back dues when lots change hands.
  - b. Margot Beldon wanted a projection of future maintenance costs. No decision was made at this time about a projection.
3. Roberts Rules of Order:
  - a. Bob Wallace asked if the Roberts Rules of Order were going to be followed. Some discussion took place describing the minimum requirements for meetings including:

- i. A motion must be made
    - ii. The motion must have a second
    - iii. The motion must have a vote
    - iv. Discussion may follow.
4. Weeds:
  - a. The Homeowners Association has been contracting for weed control in the common space.
  - b. Some homeowners contract to deal with the weeds on their property
  - c. The County sprays the roadways
  - d. Peggy Lynn Petroni asked if the County will match weed treatment dollar for dollar. Discussion was heard about a program in Anaconda but no decisions were made.
5. Common Space:
  - a. Kurt brought up the fact that homeowners may not impede the use of the common space.
6. Election of Board and Officers:
  - a. Discussion was heard on the By Laws for the Elk Meadows Homeowners Association regarding the nomination of Board Members and the election of Board Members.
  - b. The Officers are appointed by the Board of Directors and they are:
    - i. President
    - ii. Secretary
    - iii. Treasurer
  - c. Discussion was heard that there are 42 lots in Elk Meadows and 80% of the lot owners must vote for any changes to the By-Laws or Covenants.
  - d. Discussion was heard as to the duties of the Board of Directors and Officers:
    - i. Collection of Liens
    - ii. Contracting with Weed Control
    - iii. Managing Trees
    - iv. Collection Dues
    - v. Communication with Members
    - vi. Working with the County
7. Nominations to the Board of Directors
  - a. Kurt requested verbal nominations from the group
  - b. The following Lot owners were nominated to be voted on for Board positions:
    - i. Jennifer Wynn
    - ii. Regan Whitworth
    - iii. Haley Willson
    - iv. Kirsten Messer
    - v. Bob Wallace
  - c. Ballots were handed out with the instruction that every parcel owner has 2 votes since Kurt was going to remain on the Board of Directors for 1 more year.
  - d. The names of the nominees were read twice.
  - e. The ballots were collected and counted and the results were:

- i. Regan Whitworth- 16 votes
- ii. Jennifer Wynn- 9 votes
- iii. Haley Willson- 7 votes
- iv. Kirsten Messer- 3 votes
- v. Bob Wallace- 1 Vote
- vi. Total votes count was 36, with 18 property owners casting ballots (2 votes each)

8. Discussion of Vacation Rentals / Short Term Rentals / VRBO / Air B&B

- a. Discussion was prompted because there has been confusion as to whether the Elk Meadows Homeowners Covenants allow or do not allow short term rentals.
- b. Bob Wallace asked why this is an action item since no decisions can be made without 80% of the lot owners.
- c. Kurt answered that it is a discussion item because certain lot owners have stated that they will continue to rent their property regardless of whether the Covenants allowed it or not.
- d. Kirsten stated that she purchased a home recently with the express intention to use as Air B&B since the previous owner was renting it and had existing contracts.
- e. Becky Todd (Clearwater Realty and Proxy for Jeff Bleile) cited case law that states that commercial business is not short term rental because the house is considered a family home.
- f. Shawn O'Brien (Pitchfork Investments) Stated that Regan Whitworth has directed a law suit to Pitchfork Investments. He asked "What is the negative impact?" since his position is that all business in the Georgetown Lake area is based on tourism and if we shut it down it will negatively impact tourism.
- g. Tom Willson stated that he received a letter from the President of the Board stating that there would be Legal Action if he were to use his house for a short term rental. His position is that no one has any say as to what happens inside of his house. Toms position is that shutting down short term rentals will turn Lot owners against one another and it will tear the community apart.
- h. Kurt responded that the legal action referred to in the letter was to talk to a lawyer and no other action was taken.
- i. Mike Richards made a comment on the fact that there is a negative effect already on the home owners who occupy their own homes.
- j. Kurt brought up the fact that the police have been called for violations and they have not responded in a timely manner. Additionally, the By-Laws refer to the "health and safety" of the home owners. Short term rentals encourage many people from many parts of the country to come to Elk Meadows. When their cars are parked in the road and there are parties during the COVID pandemic it is not confirming the "health and safety" of the homeowners and therefore the home owners are affected negatively.
- k. Bob Wallace stated that the group is arguing about the difference between the economic benefits of ownership and the personal benefits of ownership and no

one on either side of the argument is going to change their mind from the discussion to this point.

- l. Jennifer Wynn suggested that real estate law is based on “Buyer beware ”. It is up to the buyer to do their own due diligence regarding the Covenants before they buy.
- m. Regan Whitworth stated that the Covenants anticipate that the lot owners will try to work things out between themselves. If there is a dispute they must first try to contact the other home owner, then they can go to mediation and then a law suit may be filed if no resolution can be made between the parties. However, the current Covenants for Elk Meadows do not allow short term rentals but if a house is rented and the renters abide by all of the rules, no one will be the wiser. It is when the renters do not abide by the rules the home owner must be held accountable.
- n. Kirsten does not agree with that interpretation of the Covenants but if her tenants are misbehaving then she would like a phone call or the observer may call the police.
- o. Mary pat stated that last year there were tenants driving back and forth at high speed on the road in their ATVs. She does not want to call the police and she does not want to confront the renters and she does not want to argue. For this reason she is against short term rentals.
- p. Margot Belton suggested that if we ban short term rentals the property values will go down 10% and it will take 2 to 3 times longer to sell a property.
- q. Kurt suggested that the properties have been selling at a faster rate even to those new owners who will not be renting their houses.
- r. Becky Todd (Clearwater Realty and Proxy for Jeff Bleile) cited case law in a 2019 judgement in Montana stating that an HOA may not add more restrictions to homeowners following the purchase of property.
- s. Mark Petroni suggested that we make a motion to table the discussion pending the outcome of the law suit between Regan Whitworth and Pitchfork Investments. There was a second (Kim?) 19 were for tabling the discussion 2 were opposed.
- t. Committees:
  - i. Architectural Committee-new volunteers
    1. Tom Willson
    2. Jennifer Wynn
    3. Pat Brown
    4. Tom Plumb has asked to be removed from the Architectural Committee
  - ii. Fire Mitigation Committee- new
    1. Mark Petroni discussed the ideas that we live in an area that will have forest fire. He offered hand outs for anyone interested in how to protect against forest fire. Mark discussed how the fuels change and we need to have a plan as to what to plant and where

to plan. The national Weather Service is expecting hotter and dryer summers and planning is going to be essential.

2. Kurt mentioned that we do spend money with the Georgetown Lake Volunteer Fire Department. Also, we have 4 10,000 gallon water tanks that the Georgetown Lake Volunteer Fire Department maintains.

iii. Road Dust Mitigation

1. Mark Petroni would like to take the initiative to talk to the County about road dust mitigation. Also there was discussion as to new and more speed limit signs to help with the dust.

9. Meeting adjourned at 4:45 PM Saturday May 29, 2021.