

The Meadows of Melody Ranch

Homeowner's Association

Board of Director's Meeting

Tuesday, November 17, 2015, 4:30 pm

MINUTES

CALL TO ORDER: 4:34

Board Members Present:

Todd Ellingson

Jonathan Robinson

Bo Miller

Flo Phillips

Alan Nevius

Guests:

Rich & Becky Bloom

Kevin Gregory

GTPM:

Tina Korpi

Demerie Northrop

Tote Turner

Bob Hammond

Barbara Moser

Dan & Shirley Thomas

1) Homeowners & Guest Time

Jonathan introduced himself and the rest of the board to the guests in attendance. He recognized that they were all at the meeting in response to the letter sent by Rich and his attorney and wanted to address the board with their thoughts concerning the Open Space Policy.

~ Barbara Moser, Lot 1-198: Approves of the policy allowing for tree removal. She was given permission to take down a few trees in the open space behind her house. She wondered why the developer had planted so many trees and blocked the wonderful views in that section of the subdivision. She appreciates the numerous rules created to keep the neighborhood and homes looking good and aesthetically pleasing. She believes property values will increase for all of the homes in the neighborhood when Teton Views are exposed. She submitted a plan, paid the required fee and had four trees removed. She did spend time balancing the tree removal with the views and found it curious why the homes with the best views had the most trees. She found the policy to be good for her and good for the neighborhood.

~Becky Woods Bloom, Lot 1-127: Upset that the board enacted this policy. The trees belong to all of the homeowners and the association. There is an aesthetic component in having the trees. The trees were there when the houses and lots were purchased. It is unknown what will happen north of Melody Ranch and the trees act as a screen to whatever development may take place. They are wildlife habitat and an important component to the birds and other animals. It is egregious that a few owners can cause such a large affect. It should have been brought to the entire membership for a vote. The board was self-dealing and she is disappointed that they did not look at the subdivision as a whole. She hopes the policy is rescinded, the trees are replanted and the entire neighborhood is notified.

~Shirley Thomas, Lot 1-145: Agrees with Becky and feels the approach was wrong. She understands the value of a view but takes issue with the process, that nobody knew what was going on. She wonders about removal requests of the trees in other areas of the open space.

~Rich Bloom, Lot 1-127: Introduced Kevin Gregory, one of his three attorneys who sent the legal letter on November 12, 2015. He has reviewed the five tree removal files and was dismayed that nearly 50 trees were removed. He was astonished that Jonathan Robinson, as board President, removed so many

trees and was the first to use the new policy. He was also upset that Carl Hee was allowed to dig up trees that the association replanted a year ago and that he was not fined for removing trees prior to getting board approval even though he had been told by Flo about the new policy. In the letter he made seven demands including the resignation of the entire board. He is suing the board and filed litigation this afternoon. He stated that he tried to initiate a reasonable response and correspondence prior to filing the complaint this afternoon and stated that HOA attorney Paul D'Amours was not contacted until October. He did not receive any communication after sending his 7-page demand letter to each board member. He made it clear the board members could speak to him directly and demands that the board makes it right, as he will not stop until all of his demands are met.

~Dan Thomas, Lot 1-145: He has lived in Melody Ranch for 12 years. In that time all major decisions including the sled hill, skating rink, and installation of mailboxes were brought to the homeowners. The tree removal just happened. The trees belong to everyone in the development.

~Tote Turner, Lot 1-124: Supports the new board policy and doesn't oppose it at all. He believes that the mountain views create value for all homeowners. He supports the hard work of the board and appreciates Rich's time on the board in years' past. He is concerned about the huge litigation costs associated with the lawsuit filed by Rich Bloom against the board.

~Bob Hammond, Lot 1-155: Gave a little history regarding the trees explaining that in the summer of 2014 there was an issue of trees dying and being cut. There was a big uproar about that issue and the board decided to replace those trees. Bob was off the board for a few months and when he came back on the board in the fall the board was discussing the need to have a policy about the trees. The CC&Rs state that homeowners can get written permission from the ARC (which is the board) to cut trees down from the open space and that the board has the authority to grant permission to remove the trees. The board's intention at that time was to write a policy to clarify that part of the covenants. The current policy that the board wrote did just that requiring homeowners to present a plan with pictures, pay a fee, and talk to their neighbors about what they want to do. He served with Rich on the board and appreciates the work he did, but believes that in filing a lawsuit he is taking a wrong course of action. There were only five weeks from the time that Rich first sent an email expressing his concerns about the open space tree policy to the day that he filed suit. This was hasty and rushed given the fact that it was done before talking to the board face-to-face about a policy that was applied in a reasonable manner. In March the owners gave the board a lot of heat about legal costs and there is a concern that this lawsuit will create more costs once again.

Jonathan gave some closing remarks to the homeowner's session stating that the board has received written correspondence about this issue (which will be attached to these minutes). The board was waiting to hear from Rich to have a dialogue with him as opposed to being forced with legal action. The board will be diligent in responding.

2) Approval of Tuesday, October 20, 2015 Minutes

Jonathan moved to approve the previous meeting minutes. Todd seconded the motion. All voted in favor.

3) Report of Officer

a) Secretary Treasurer

i) Delinquent HOA Dues Report

GTPM has requested liens to be filed on the two accounts mentioned at the last meeting.

Todd would like the delinquent report to be organized with the most delinquent/oldest outstanding accounts listed at the top.

ii) Financial Review – October 2015

Open Space Revenue was added as an income line item. We are over budget on weed and tree spraying because a third application was recommended and approved. The open space mowing was budgeted at \$16,095. Since that was not done this year, those savings can be applied toward the overage in weed and tree spraying. The common ground expense improvement was for the 2014 ski track culverts. GTPM will add that detail to the financial report for future reference. Todd moved to approve the financials. Bo seconded. All voted in favor.

4) GTPM

There was nothing to report under GTPM business

5) Violations - Violation Log

There were no major violations or fines to note.

6) Old Business

a) Pond Assessment Review

Biota submitted the costs for several of the recommended pond improvements. The board would like to present a plan to owners with an established scope of work. The board discussed getting real numbers and proposals together to present to the owners. They would like to establish a proposed timeline and cost.

In addition to the pond work, the board would like to consider other amenities for the homeowners to enjoy. Todd would like to look into installing a small playground in the Chickadee Circle area. He would also like to look at the costs involved in hiring someone to maintain an ice rink for the HOA. Tina suggested a review of the covenants and a consultation with the HOA attorney to determine an appropriate course of action regarding expenditures and if it would need to be approved by the entire HOA or just the board.

7) New Business

a) Myers mowing request – Lot 1-76

The board would like to table discussion on this request until the spring. Tina will call the homeowner to explain.

b) Ski Track

Lee Buschong will be grooming the ski track again this winter. He will charge the HOA per time and will groom as needed, not to exceed 20 times. Alan is in touch with him throughout the winter to let him know if his services are needed. The board confirmed that dogs will be allowed but wheels are not.

8) Executive Session

The board entered an executive session at 6:05 and adjourned the executive session at 6:51.

9) Action Item

a) Alan moved to retain Paula Fleck from Holland and Hart to represent the HOA. Bo seconded the motion. All voted in favor.

10) Adjournment 6:52

~ To the Board of Directors Melody Ranch Homeowner's Association

I have read the e-mails below and understand Mr. Rich Bloom has submitted a letter to you in regards to the removal of trees and the Boards approval of a new policy to allow such.

First, I have not recently looked at our CC&Rs, but if Mr. Bloom is correct that proper procedure was not followed in obtaining 2/3 vote from the homeowners to allow for the revision of the tree removal rules (and it is required) I would like to see it put to a vote. I understand you have tabled the request that was submitted since Mr. Bloom first contacted you about this in October which I believe is the correct thing to do until this is resolved. With that said, Lisa and I are in favor of the new rule. My suggestion is that you work with legal council to prepare the language for the revision to the rule and make it retroactive and put it up for vote. I have spoken with several other homeowners who, along with us, think the revision is a much better solution.

I also understand Mr. Bloom is requesting all board members to resign. I do not agree with this either and support the current board in wanting to make changes that reflect the majority of homeowner wishes and righting things that do not make sense.

I am not able to attend today's meeting at 4:30 p.m. but would like you to share this with the audience. Please keep me posted as to the results of today's meeting and the direction being taken.

Sincerely,

Jim Ryan
1309 Melody Creek Lane

~ Melody Ranch Board members,

It has come to my attention that there is a special meeting today to discuss the recently adopted tree removal procedure. I understand that former Board member Rich Bloom is spearheading a campaign to repeal the rule and force the new board members to resign. I wanted to voice my position of supporting the new board members and the adoption of the tree removal procedure. Rich Bloom is no longer a board member and has no right to speak to the Board as a representative of the whole. I urge the board to consider Mr Blooms comments as his own and solely his own. I also want to go on the record as opposed to spending any of the monies collected from Melody Ranch Homeowners to pursue any litigation towards any of the current Board Members regarding the removal of trees in the common area.

Jim Vito

President: Jim Vito Construction Inc.
1304 Melody Creek Lane

Please note that both Larry Feuz & I SUPPORT the new policy (now on hold) of being able to petition to remove open space trees.

We like to see the mountains & the weather.

Please pass our thoughts on to the board, and thank you.

KATHY WIPFLER/LARRY FEUZ

730 Palomino Dr.

~ Jonathan,

Thank you so much for sending me the letter and the timeline below. I have had a chance to read through the entire scenario and have a few thoughts for you to share on behalf of Dan and I at the meeting tomorrow. I am so sorry that I cannot make the meeting on such short notice...feel free to forward this on to whomever you choose...

I am not sure what the intent of the meeting will be tomorrow...I am hoping it is just listening and light discussion, but I don't think that there could possibly be any decisions made without the Board enlightening all of the homeowners of this letter. I only learned of the letter today, and I think the contents of this letter could possibly warrant a "special meeting" to be called so that all homeowners interested in this discussion can have the time to prepare and be present for a civil discussion. Since the letter threatens litigation, that could be very costly to our homeowners, I would hope people would listen and give comments. With that said, Dan and I are in favor of a tree removal policy and we support the language that was adopted this summer, especially when vegetation is replaced in different areas and not just removed completely.

We recognize from our own personal property that the developer had a massive "free-for-all" when planting trees and gave absolutely no thought as to the view corridors of the north south facing building envelopes - trees were scattered everywhere with absolutely no design process what-so-ever. A major flaw in the design of our open space for a neighborhood of community members who hold their property asset as closely as their wallet.

In my experience HOA's should be able to adopt new rules and regulations when approved by the homeowners. I am not sure about the procedures that took place over the last 18 months and whether they have merit within state statute or our current Bylaws - but the policy should be able to be adopted if the majority of the homeowners want it...and then a simple amendment and restatement of the CCR's can be filed...

As far as the allegations directed to the Board. I hope all of you do not take this letter's bullying tactic to heart. I am so sorry that you are having to deal with this nonsense. I have worked with most of this board on a professional basis in this community for years. I am proud to have such a well respected and intelligent crew leading this subdivision. Sadly, we have to work with other personalities that may not be the majority view point for our neighborhood. And in order to play nicely, I humbly suggest calling a special meeting to find out first hand who is in support of a tree removal policy and who is opposed. The meeting should be well publicized to wake up our hard working middle class families - so that we can get a good group to attend! And I seriously apologize if you all have already tried this route for this specific purpose and I missed the invite. I know Dan and I and the folks of our neighborhood live busy lives -- I can help spread the word if you decide to go this route. If not, keep us posted as we would like to help in any way possible.

Thanks for all that you do for Melody Ranch...

Dan and Christina Feuz