

RLCCEPOA Annual Owners Meeting

August 28, 2022, 2pm MST

The meeting was called to order at 1:52PM MST by Board Chairperson, Sue Glock.

A Quorum was established with 118 proxies (Properties) prior the meeting, and 48 properties represented.

Sue opened the meeting with an introduction of Board Members and presented the agenda. The agenda was also posted on website. Property owners were informed of the annual meeting via email and the website.

Approval of the 2021 RLCCEPOA Annual Meeting Minutes (Sue Glock)

Wally Tate moved to approve 2021 Annual Meeting minutes

Dave provided second

Minutes passed unanimously.

The minutes are no longer in "Draft" form and can be found on the RLCCEPOA website.

Financial Report (Dave Quinn)

Dave summarized balances for 2020 and 2021. In 2021 the association approved donations to BRTA for continued trail improvements around the association. A donation was also made to the fire rescue training center as the association felt this was a worthy cause for all property owners. These donations were also made with the intent to draw down the balance.

Dave reported that the majority of expenditures cover administrative costs, fees, with a small amount being spent on legal advice. Audits have not been performed; all property owners are welcome to review the 14 checks that are written annually.

A transfer fee of \$100.00 was instituted in 2022, this fee being paid by new buyers in the association to cover the administrative costs of updating records. The transfer fee has helped with maintaining the balance

Wally moved to approve financial reports as presented

Clay provided second

Vote was taken and passed.

Delinquency Report (Karri Haw)

Karri reported that the association currently has 16 delinquent owners, .024% of the total.

Year in Review (Sue Glock)

Sue summarized the status of the donation that was made to the fire training center. Fire Rescue Training Center is on Highway 78 and is being used to its fullest capacity. Future projects include adding a storage building and classroom. Donation that was made to BRTA was used to maintain and enhance the trail system around the association.

A policy for non-profit donation requests was developed by the Board of Directors and is posted on the association website.

The board received numerous complaints about trash in the past year and worked with the City of Red Lodge to address this concern. All construction dumpsters must be covered. Declarant is now collecting a \$500 deposit. If a contractor is fined by the city for a trash violation the deposit will be forfeited.

A list of mowing companies that are available to service properties within the association has been posted on the website.

Sue reported that this will be her last meeting as she is moving to North Dakota and the Wally will be replacing her as chair.

Weeds presentation (Pam Schwend, Carbon County District)

Pam reported that the county sends notices for noxious weeds but has found that education is more effective in the battle against these invasive species. The new terminology is Urban Stewardship, which essentially means caring for your land within city limits. Noxious weeds do not benefit natural resources. Currently there are 36 non-native plants in Montana. It is illegal to have these plants growing on your property as they are toxic to animals and humans. The core issue with these plants is that they have no natural predators and are difficult to eliminate. Daisies that are prevalent throughout the county can carry round worm. Spotted knapweed, also common, will not be consumed by livestock and has a poison associated with it. Pam summarized that yellow flag iris is very invasive, producing up to 500 seeds each. This iris has the ability to take over large areas including ponds. All noxious weeds can be identified in the weed book that is being provided to property owners. Inquiries can also be made directly to Pam, 406-962-4358, to identify possible invasive plant species.

Certain plants can be pulled, if this method is used, please throw plants away rather than leaving on the ground. Most invasive plants must be sprayed with herbicide for successful removal.

Questions for Pam:

-Many people are sensitive to herbicides and pesticides, are you using safe products? County uses approved pesticides and herbicides. Advancements have been made in manufacturing these products to be safer. There are also vinegar based options that property owners can take advantage of in the fight against weeds.

-What is the penalty for not addressing weed issues? Basically, there is no penalty, this being left up to the county. A letter is sent to property owner requesting the removal of noxious weeds, the owner has 10 days to address. If no response a certified letter is sent, if still no action is taken the county has the right to spray your property at the owner's expense. In this case the property owner does not have the choice of products that will be used, and the owner

will be charged by the county for this service at \$300.00 per acre.

Pam stated that the county is trying to get creative with the removal of these invasive plants with the possibility of incentive programs for children to participate in weed removal. She concluded that she is available to address any further questions regarding weeds at the phone number listed above.

Elections (Clay Cummins)

Clay reported that Kathy Martin was voted in by the board to replace the remainder of Dan Seifert's term for a total of 2 years. Sue will be resigning at the end of the meeting when a vote will be taken to elect Wally to replace her as board chair.

The following terms are up at the end of this year: Wally Tate, Barc Corbus, Larry Martin.

Clay moved to elect Wally, Barc, Larry, and Kathy

Second was provided by Dave.

BOD election vote passed unanimously

Clay thanked Sue Glock for all her hard work and dedication to the association over the past year. This was seconded by the BOD.

Modulars (Sue Glock and Wally Tate)

Wally reported that the association has received numerous complaints regarding modular builds over the past year. Currently the Covenants, Conditions, and Restrictions (CCRs) for Red Lodge Country Club Estate (RLCCE) do not restrict modulars. However, modulars are restricted in Diamond C Links. In order to prohibit modulars in RLCCE a change to the CCRs would need to be made. This change would only affect properties once they were sold as ownership prior to the change would be grandfathered with the original CCRs.

Questions from property owners:

-Why are there 2 associations? There are 11 or 12 sub-associations, Diamond C is one of them.

-Will there be a vote to ban modulars? This would require a change to the CCRs. This process would require a vote from the entire association with the requirement of 60% of the square footage to vote in favor of a change. This type of vote occurred with the adoption of allowing trailers to remain in driveways from April-October, however the attempt to change the association to a 1 property/1 vote process failed. Wally stated that the process to make a CCR change is daunting and a task he would not want to attempt again. There is a Montana State Law that prohibits associations from removing or restricting legal rights of property owners once they have been granted. He reiterated that the only properties that would be affected would be ones sold after the change was complete.

-Is it possible for both associations to be treated the same? There are multiple sub-associations with in RLCCE and they cannot be combined.

-Is there an oversight committee that approves plans within the association? All building and improvement plans are approved by Jeff Schmidt, the declarant.

A property owner commented that one of the newest modulars has at least 2 violations: built with only a 1 car garage and without proper setbacks. He went on to report that the trash for this property is regularly left out for several days, over occupancy occurs regularly as this property is a VRBO, loud parties, and several cars are parked on the street. Sue Glock informed that the property owner in question has been sent a letter to inform them of these concerns. BOD requested property owners to contact the police if there are noise and parking violations. Property owners are also encouraged to email the association with these concerns.

Property owner voiced concerns over VRBOs within the association. Stating that 17 homes are 100% VRBOs. The new development on Silver Circle was questioned with regard to the approval of the building plans. It was stated that the City now has a Short-Term Rental Complaint Hot Line, Property Owners may call this number, 406-545-2185, to report problems regarding short term rentals.

Wally requested that the meeting remain on the agenda and the discussion of modulars as VRBOs are not on the agenda.

Additional questions from property owners:

-Is there a formal architectural review committee? Jeff Schmidt is the declarant and solely responsible for the review process

-How did it become a committee of one? At one point there was input from the association, but Jeff decided that he would be the only person completing the review process. Sue Roi informed that in the past her husband, Steve Roi, attempted to assist the declarant with the architectural review process.

-What does it take control from Jeff? In 2010, the BOD attempted to take over as declarant. Two years was spent on this attempt with it being unsuccessful.

Several property owners requested that the association again make the attempt to take over as declarant. They stated that there has been a shift in the voting and a new attempt would prove successful.

Larry stated that a committee could be appointed by the BOD to make this attempt. Wally reported that the association may be able to be approved as the declarant without a change to the CCRs.

-Dave Westwood motioned to pursue taking over the declarant status

-Joan Owens provided second

-Motion passed unanimously

BOD will explore the potential of taking over declarant status from Red Lodge Mountain. If this fails property owners will present a signed petition to become declarant.

Golf Course Update (Spencer Weimar)

Spencer reported that the golf course is coming off 2 record years and is returning to pre-Covid numbers, down 400 golfers from last year. The course runs at a loss of \$50-\$100K each year. This is offset somewhat by the wedding business.

Actual course is in the best shape that it has been in for years. If property owners are experiencing over-watering, please contact the clubhouse. Upcoming improvement plans include reseeding as this has not been completed for 20 years. Future plan is to improve tee boxes and deal with thatch. Management is committed to improvements as shown with the addition of the track tracer, only one of its kind in the state of Montana and this region of the country. Spencer encouraged property owners to try this new feature at the driving range. The addition of 28 Peaks was brought in to enhance the course experience.

Golf Course questions for Spencer:

-Fairways are rough? Future plans including rolling out fairways, reseeding, and eliminating thatch.

-Is there any plan to reconfigure hole #5? No plan to reconfigure but they will be pulling back the trees.

-Is there a plan to replace trees lost to windstorms? Some tree will be added on #8 to protect homes from golf balls. These will most likely be aspens.

-Is golfing with dogs allowed? This has always been allowed and there are no plans to change.

Spencer also reported that the back 9 went very dry at the beginning of the season due to lack of irrigation water caused by local flooding. Currently there is not a course marshal, golfers must be 18 to operate golf carts. He reminded property owners that the course is not a park and the using for any reason other than golf from the hours of 7am-8pm is strongly discouraged.

Ski Mountain Update (Spencer Weimar)

New lift is in the process of being installed. It was purchased from Ulta in Utah at a greatly reduced price. Current plan is to keep the name of the lift as it was in Utah, Sunnyside. This will add 200 vertical feet, additionally the yurt will be moved there. A carpet will also be added to that area as one has been purchased at another reduced price. More snowmaking will be taking place on Lazy M and widening of the Chicken trail.

Ski Mountain questions for Spencer:

-Will you be removing scrub? Not currently on project plan. Forest management has been working to clear dead and dying trees.

-Has the mountain gotten any interest in downhill hiking? New lift will offer these opportunities which will also include downhill mountain biking. Plans include adding more summer attractions: scenic lift rides and opening the Bierstube.

-Is the Ski Mountain profitable? This mountain is a low profit ski area. Ski business tends to be high capital and high maintenance industry. Current owner has been committed to improvements before taking profits. Roof is being replaced at Midway and there are plans to

repaint the base area.

-Is there a plan to re-open bathroom at Grizzly Peak? Not currently but they are looking into the possibility of incinerator toilet, still very expensive, \$50-60K to install.

Elections continued (BOD)

Sue Glock resigned from BOD.

Barc nominated Wally Tate to replace Sue Glock as chairman. Additionally, he nominated Doug Reynolds to the BOD. Doug is new to association and has been coming to Red Lodge for over 40 years. He currently lives here full time.

-Clay moved to approve Wally Tate as BOD chairman and add Doug Reynolds as new BOD member.

-Barc provided second.

-Motion passed unanimously.

Final Questions:

-Can a sign be added to the RLCCE? No, as the maintenance has proven to be cost prohibitive.

-Who is responsible for road signs in the association? The Diamond C sign on Diamond C Trail is maintained by the Golf Course as it is on their property. The sign on Pine Ridge Road is on private property and is maintained by Board Member Wally Tate.

-Are solar lights allowed? The BOD does not restrict solar or Christmas lights. The email that was sent regarding lights was requesting that outdoor lighting not be left on all night. If your property is a rental, please make this a "house rule". Property owners with lighting violations has been contacted directly by the BOD.

-Has the association ever considered adding a post office station? Association would have to provide land. Property owners are welcome to contact the postmaster to inquire.

Messiah Lutheran Church reported that all parking lot lighting will be dark sky compliant. Parking lot lighting will be on a timer. Please contact church directly with lighting issues. The church hopes to be open in new location by Easter. Possible plans for the open area next to church include: a community area, possible daycare, soccer club, and concert area.

Dave Quinn moved to adjourn meeting.

Sue Glock thanked attendees and meeting was adjourned at 3:43pm MST.

RLCCEPOA resource and contact information:

Website: redlodgecce.org

Gmail: rlccpeoa@gmail.com