

RAFTER J RANCH HOMEOWNER'S ASSOCIATION
BOARD OF DIRECTORS REGULAR MEETING MINUTES—APPROVED
January 27, 2009
Rafter J Office

In Attendance:

Directors: Vernon Martin, Kip MacMillan, Paul Boillot, Joe Greene, and Jason Wells

Staff: Cheryl Fischer

Homeowners: Jim Huspek, Wayne Flittner, and Bob Henderson

Others: Kasey Mateosky; Scott Shepherd; Reed Armijo, Engineer with Jorgensen Associates

President's Report: Kip MacMillan, President, called the meeting to order at 7:00 p.m.

Minutes: (October 28, 2008 and November 25, 2008) Joe moved to approve the October HOA minutes. Vernon seconded the motion. It passed unanimously. Vernon moved to approve the November HOA minutes. Joe seconded the motion. It passed unanimously.

Financial Report: Jason presented the December 2008 Financial Report and discussed some expense line items from August through December. He noted that the Major Repairs and Replacements line item, which was over the budgeted amount, reflected the purchase of a new sand spreader. However, there was sufficient contingency built into the budget. Paul moved to accept the Financial Report. Joe seconded the motion. It passed unanimously.

Maintenance Report:

- **Pathways:** Kip mentioned that Chuck M. has been clearing the snow from the pathways, using the bucket on the front-end loader, in addition to the roads. The Board thanked Chuck M. for doing a great job.

Improvement and Service District (ISD) Issues:

- **Major leak:** Jim reported that a 36" chlorine-dwell pipe between the pump house and the Rafter J office has a massive leak. The line has been shut down. The plan is to have Westwood Curtis repair the pipe. They suspect the reducer fittings which, for this pipe, are not commonly stocked parts.
- **New water storage tank:** Jim stated that the water storage tank still has leaks; thus the ISD has not fully paid the contractor. A person from Colorado came to seal the leaks. However, there is no way to check his work; the weather has been cold and the inside tank wall is coated with a layer of ice. Therefore, the ISD will wait until spring to again check for leaks.
- **Original water storage tank:** Jim reported that the individual from Colorado also repaired the hole in the original water storage tank. The bill was approximately \$5.5k. Jim noted that the parent and guardian of two teenagers involved in the damage will provide names of everyone involved and the ISD will bill them for the damages.
- **Infrastructure improvement project:** Jim mentioned that the infrastructure improvement project is going well and he hopes that we are under budget. He noted that Westwood Curtis has completed approximately half the water service line work. The southeast, northeast, and central sections should be finished by next week, and they may finish all of Rafter J by April. The next part of the infrastructure project will be sewer repair and resurfacing of roads in the cul-de-sacs.

Vernon reported that the Rafter J Office received complaints about the infrastructure work during Christmas week, especially Christmas Eve. He and Kip had discussed the situation and agreed to pay Westwood Curtis for Christmas Eve, but allow the workers time off.

Vernon reported that the ISD has temporarily diverted water from Phil Wilson's property that flows through the ditch near the NE-40 Townhomes and causes problems for the Westwood Curtis workers in that area.

Discussion Items:

- **Vandalism in the storage area:** Vernon reported that there was some vandalism in the Rafter J storage area, but no information is available regarding the perpetrators.
- **New playground equipment:** Paul reported that he has the playground equipment surveys, but hasn't compiled the results yet. He also received information from playground companies offering discounts for the equipment.
- **Memorial bench:** Cheryl reported that Connie Huspek had contacted the Rafter J office stating that a group of women would like to build/buy a memorial bench for Becky Hyer, a previous Rafter J resident. The group is asking for permission to place

the memorial bench near the ponds. Following discussion, the Board agreed on the concept and Jason suggested that the group present their idea to the Design Review Committee. Joe suggested that the Board develop a list of priorities for future donations.

- HOA Directors and Officers Insurance policy: Vernon reported that the HOA Directors and Officers Insurance policy was renewed with a new company, United States Liability Insurance (USLI), which offered a better rate for the same coverage. USLI guaranteed the same annual rate over a three-year policy term.
- Rafters J map: The Board reviewed another draft of the Rafter J map designed by Rich Greenwood of Greenwood Mapping and suggested that the size and type of font used to indicate house numbers should be consistent and that the Rafter J address, website, email, and phone number should be printed at the top of the map.
- 2009 Holiday schedule: The Board reviewed the 2009 Holiday schedule, which includes the following dates: New Years Day, January 1st; President's Day, February 16th; Memorial Day, May 25th; 4th of July, July 3rd; Labor Day, September 7th; Thanksgiving, November, 26th; and Christmas Day, December 25th. Vernon moved to approve the Holiday schedule. Kip seconded the motion. It passed unanimously.
- Fee schedule for 2009-2010: Vernon presented the maximum 5% fee increase for 2009/10. He stated that the decision on setting the fees should be based upon budget needs. The Board also discussed the present rental fees for single and double storage areas. Jason asked why we don't increase fees and use the extra money to improve security and enhance the appearance of the storage area. He also wondered if the storage rates were so low that we are actually subsidizing the people using the facility. Jason volunteered to determine out what the free market rates are and report to the Board.
- Green Turf Lawnscapes: The Board reviewed the Green Turf Lawns capes bid for weed spraying which offers a savings if paid by March 31st. Following discussion, Paul suggested that we ask Green Turf Lawns capes to provide a lower bid. Vernon will ask Chuck M. to contact them.
- Walden Pond Escrow Agreement: Vernon reported that there was a notice in the newspaper in November regarding the settlement of Jerry Wilson's estate. Vernon notified our attorney that there were outstanding fees on the undeveloped Walden Pond units. Vernon further noted that TooBuds, LLC had approached the Rafter J partners, Floyd King and the estate of Jerry Wilson, to develop the Walden Pond land if they can obtain approval from the Army Corps of Engineers and the Environmental Protection Agency. Vernon stated that he had engaged in numerous conversations with the HOA Attorney, who, in turn, had been negotiating a settlement with the involved parties. The negotiations led to the formulation of an Escrow Agreement which Vernon signed after discussion with Kip MacMillan. The Escrow Agreement includes a claim against the lots in the amount of \$86,895.16 for back fees as of February 1st. The money has been placed in Escrow and additional fees will be paid into the account each month. Vernon read portions of the Escrow Agreement which outlines several conditions and options for the Walden Pond properties. The Agreement will be resolved in one of the following manners when permission has been obtained or denied to develop the properties, but no later than March 31, 2010:
 1. If the property can be developed, the HOA receives the money placed in escrow and TooBuds, LLC receives the properties.
 2. If the property cannot be developed, then either
 - a. TooBuds, LLC releases all interest in the properties, the money is released to Floyd King and the Wilson Estate, and the HOA receives title to the properties, or
 - b. Floyd King and the Wilson Estate retain title to the properties, and the HOA receives the money held in the escrow account, or
 - c. Floyd King and the Wilson Estate retain title to the properties, and the District Court of Teton County decides how much money the HOA will receive from the money held in the escrow account.

Vernon went on to explain that an earlier draft of the Escrow Agreement stipulated that if the HOA received title to the properties, it would only be on condition that they become an addition to the common areas. After discussing this requirement with Kip, it was decided to reject that requirement. At the same time, Wilson and King had objected to being obligated to back fees for the full amount associated with vacant properties, particularly since these properties were not developable. Vernon said that he had responded to that objection stating that the CC&Rs (which these developers had been instrumental in writing) required that all properties in the same class be assessed the same fee amount, and that there had never been an objection raised regarding the fee amount on the basis of inability to be developed. Vernon explained that the resolution described in 2.c above where the District Court is involved is in response to the objections raised by the HOA and Wilson and King.

Homeowners' and Resident Issues and Concerns:

Kasey Mateosky, Scott Shepherd, and Reed Armijo, Engineer with Jorgensen Associates, stated that they had met with the Design Review Committee and the ISD, and now want to proceed with the proposed land swap in Tract 3A. Reed distributed engineering drawings of the proposed new Rafter J storage area showing the parking spots, a section drawing, and a topographic layout with slopes labeled. The proposed storage area has three tiers with approximately the same total number of parking spaces as we have currently. Other items noted were the use of landscaping and planting shrubs and trees (with a drip system), to inhibit visibility, and adding wildflower seeds and mats to screen the scars. The new storage area will have a remote control security gate and will meet the county rules for size and slope of turning areas.

Kasey stated that he met with the ISD regarding the water and sewer issues. Items noted were adding a 12" water line between the tank and the well. The line will run along the property line and pass under Highway 89. There was also discussion of possible areas for snow storage. The Board asked that Chuck M. look at those areas and provide feedback. The Board also asked questions about the lowest tier and its distance from the highway. The developers answered that it is displaced approximately 100 to 150 ft. The elevation difference between the lowest and highest tier is about 30-40 vertical ft. Other questions addressed were concerned with the size, utilization, and visual impact of the new development. There was also a question of whether the county will allow them to fill in the gully as they carve out the new parking area. Kasey stated that he wants an agreement to be signed, so that they can move forward. He further noted that they will develop about 4 acres plus about 1.5 acres of filled gully and deed the remaining 74 acres to Rafter J. Following discussion, Kasey will have his attorney draft a proposal and present it to the Board.

Adjournment: The meeting adjourned at 9:05 p.m.