

RAFTER J RANCH
HOMEOWNER'S ASSOCIATION
BOARD OF DIRECTORS MEETING
Tuesday July 28, 2020, 7:00 pm
Online Meeting

MINUTES

GIVEN THE CORONAVIRUS (COVID 19) ISSUES, THE BOARD FELT THAT FOR THEIR SAFETY, AND THAT OF RESIDENTS, THAT THIS BOARD OF DIRECTORS MEETING WOULD BE HELD ONLINE.

In Attendance:

Directors: Paul Boillot, Karen Jerger, Kip MacMillan, Chuck Rhea, and Pam Zernis.

Staff: Nancy Henderson, and Larry Lennon.

Property Owners: Don Cooke, Brice Dunn, Bob Fishback, Joe Gawaldo, John and Danette Jolly, Sharon Lennon, Sally Linhardt, Gina and Steve Lipp, Sue Lurie, Vicky O'Donoghue, and James Turley.

1. Call to order.
Paul Boillot, Vice President, called the meeting to order at 6:59 p.m.
2. Meeting format.
Paul reviewed the meeting ground rules: Board member microphones will be kept open, but are asked to mute when not speaking. Attendee microphones will be muted. The Board will try to answer questions when a participant raises their hand, which is done by pressing *9 if calling in, or by pressing the "raise hand" icon if using the online option. Public comments will be limited to two minutes. Homeowners on the agenda will be provided five minutes to speak, and will be able to respond to any Board questions. Recordings of the meeting are not permitted.
3. Homeowners' issues and concerns.
 - a) Brice Dunn, tenant of Nance Parriott (1165 W Brangus Dr., Lot 92): Truck damage claim. Brice reported: Upon returning from vacation, he found the rear window of his Ford truck had been shattered. Brice believes, after speaking with his neighbor, Chris Moran, the damage was caused by a rock thrown from the Rafter J mower while Larry was mowing the cul-de-sac. The Board reviewed statements from Larry and Chris. Brice acknowledged the alleged incident was not witnessed, but this incident has created a hardship and would like the Board to reimburse him for the damage. The Board, without factual proof, will not be able to reimburse for damages.
 - b) Joe Gawaldo (1655 W. Big Trail Drive #801, Lot 327-029): Bylaws Capital Expenditures bid rule, violations of Rafter J rules by Board members and Paul D'Amours, appointed vs. elected Board members, HOA audit, civil rights, and 1795 W. Pack Saddle Dr., Lot 303 willows. Joe decided not to discuss Bylaws because it is already on the agenda, and continued with his concern about the ability of the HOA to enforce violations when, in his belief, guidance from Rafter J rules are not being followed by Board members. Karen explained: There is a complaint process,

which can be tracked. Joe recounted that Pam has not been penalized by Rafter J for cutting down common area trees in 2016. Karen explained: The issue was resolved through mediation in favor of Rafter J.

Joe started to discuss trash cans being left out in front of homes, but moved forward with his concerns and requested a response from Karen regarding an HOA audit. Karen reminded Joe that he was requested by email to provide his reasoning for a forensic audit. Joe believes 40 years without an HOA audit, and the extended time that Board members serve, should be enough reason for a forensic audit. Karen will look into this issue.

Joe believes it is his Civil Right to record HOA meetings and asked if the Board position of not recording meetings was made through legal counsel. Paul stated that it is a Board rule.

Joe asked about the process which allowed the willows along 1795 W. Pack Saddle to be cut down. Paul explained: The willows straddled the property line, were overgrown, and upon arborist consultation, were determined to be a liability to the home. The homeowners were given permission to cut down the trees to reduce liability and the trees were trimmed at the owner's expense.

c) Vicky O'Donoghue (3220 W King Eider Rd., Lot 325-038): Forensic audit, financials, Bylaw amendments, bids for capital projects, ISD ballots, HOA investments, recording of minutes, and Rafter J job descriptions.

Vicky has obtained a third bid for an audit and will submit it to the Board.

Vicky believes Bylaw and CCR amendments have not been given to all the homeowners, she believes Steve Foster, Secretary of Rafter J ISD, should not be involved in the process of counting ballots for Rafter J ISD, and she believes Nancy is loyal to Kip because they worked together at Snow King for 25 years.

Vicky is concerned about HOA ballot and proxy envelopes being opened prior to the annual meeting, and she informed the Board about national news reports regarding mail-in ballot fraud.

Vicky recounted Pam's apology from last year in which Pam recognized that an error was made in explaining the proxy process at a Board meeting. Vicky is concerned about the rest of the Board not commenting on the process at that time.

Vicky claims that job descriptions for the secretary and maintenance positions were composed after she made an inquiry to have copies of them. Karen responded: Job descriptions did exist prior to the hiring of the current staff and they have been updated. Nancy offered to resend the current job descriptions to Vicky and to include historical job descriptions.

Karen previously responded to Vicky's concerns through two emails, but Vicky does not recall receiving them.

Vicky feels she has been offended and bullied by the Board. She stated that she is upset and would like the HOA to reimburse her for legal fees she has incurred, as a result from two letters sent to her from the Board and HOA legal counsel. Vicky is concerned about one of the letters from the HOA which, in addition to HOA business, includes issues regarding Rafter J ISD business. Karen offered to continue the discussion of Vicky's concerns outside of the meeting, but the HOA and ISD Board members have been instructed by Vicky's legal counsel to communicate only with Vicky's legal counsel, and also advised not to come in contact with Vicky unless it is at a Board meeting.

In response to Vicky's Bylaw amendment concern, Karen gave an update on the 2019 Rafter J Bylaw amendment regarding capital expenditures which was deemed void by legal counsel. An error was made unintentionally by the Board to enact a Bylaw amendment, and any future Bylaw amendments will be presented to owners in advance of and be voted on at an annual meeting. The Board has no intention to propose a Bylaw amendment to the members at this time.

In response to Vicky's concern regarding transcription of meeting minutes, Paul asked Vicky to submit revisions to the Board.

d) Bob Fishback (1550 W. Pinto Dr., Lot 196): Culvert grates, investment rates and water report. Previous to the meeting, Bob submitted questions to Karen regarding HOA investments. A response, obtained from the investment advisor, will be forwarded to Bob. Any concerns or questions sent to the Rafter J office will be forwarded to Karen.

Bob is aware of the culvert grates on the Wilson ditch, and wants an opinion from HOA legal counsel regarding the installation of grates on other culverts in Rafter J. Paul asked Bob to submit a map showing the areas of concern. Bob offered to submit pictures of Rafter J ditches, but could not identify where the pictures were taken, and suggested Larry should be the one to identify the areas of concern. Bob is not in favor of installing grates on culverts, but feels they should be installed if legal counsel advises the HOA to do it. The Board will take Bob's suggestions under advisement.

Bob reviewed the Rafter J ISD Water Quality Report for 2019 and requested results of subsequent samples related to the violation of microbiological contaminants. Larry reported: One sample was positive, there were no health risks, EPA procedures were followed, and subsequent samples were negative. Larry offered to forward a water sample report to Bob.

e) Gina Lipp (1535 W. Pinto Dr., Lot 201): Rafter J wildlife/ecological study, and request for copy of open space phase 1 document.

Gina requested a copy of the open space phase 1 document. Karen has made an appointment with Hans Flinch to review the document, and the document will be made available to the homeowners after the review.

Gina requested a professional ecological study be completed, along with the open space study. Gina feels an ecological study will be a balance that addresses wetland and wildlife concerns. Specific concerns can be sent to the Rafter J office and they will be forwarded to Hans Flinch, the professional Landscape Architect who is preparing the open space study.

f) Sally Linhardt (1205 W. Hay Sled Dr., Lot 51): Bidding process for capital expenditures. Sally presented four questions about the voided 2019 Bylaw amendment. 1) Why was the requirement to present budgeted expenditures anticipated to exceed \$5,000 at the annual meeting removed in the rewrite, 2) Why was the requirement for bidding changed to "where possible" in the rewrite, 3) Why an increase in the expense amount from \$5,000 to \$40,000, and 4.) Why change ruling from majority vote to vote of a simple majority? Paul responded: Joe Greene is the best person to respond because he spearheaded the Bylaw rewrite, but he is not available to comment at this time. The amendment no longer exists, but Sally's concerns have been noted so that they can be taken into consideration if changes are made in the future.

Sally would like to know what the original Bylaws were and what changes have been made, she prefers the strike-through format in which the 5th amendment to the CCRs is recorded. Paul recommends the CCRs to be reviewed periodically and amended as needed.

4. Approval of the June 23, 2020, Rafter J HOA minutes.
Kip moved to approve the June 23, 2020, minutes. Pam seconded the motion. It passed unanimously.

5. Financial report for June, 2020.
Karen reported: The HOA financial situation for June was good, despite the \$28,000 decrease in income from the vacation of June dues. One-time expenses included removal of a fallen willow located north of Pinto Drive and weed control for the parks and mailbox areas. The investment portfolio showed some gains in June. Since inception, the investment portfolio market value is up \$24,000.

\$150,000 will be transferred from the operating account to the ICS account to ensure insurance protection.

Pam moved to approve the financials as presented. Chuck seconded the motion. It passed unanimously.

6. Maintenance report.
 - a) Flat Creek bank erosion near NE40.
Larry reported: He was approached by an owner who noticed increased erosion of the Flat Creek bank near NE40. Upon inspection, Larry confirmed new slumping of the bank and recommends that the Board address the issue. Kip suggested discussing this issue at the annual meeting. Karen noted that the 2020-2021 budget allows \$40,000 for repairs; the amount is based on a previous estimate presented by Brian Remlinger. Karen suggested consulting Hans Flinch, who has included this issue the open space phase 1 document, and she would like the Board to consider multiple options to minimize flood and erosion impacts. Timing of the project was discussed, with Paul recommending to move ahead on obtaining bids and to look into grant funding through Teton Conservation District (TCD). Larry will obtain bids and reach out to TCD.

 - b) Teton County Weed and Pest.
Teton County Weed and Pest has been authorized to complete aerial spraying of cheatgrass on the Adams Canyon hillside. This service is free of charge and will occur in August.

7. ISD report.
 - a) New water main break on Beaverslide.
The 8" main on Beaverslide has a small leak and is being replaced. A valve was installed to avoid long term interruption of service during construction.

8. DC report.
 - a) Renbarger (3215 S. Double Tree Dr., Lot 277): Shed - Denied.
 - b) Casper-Eldredge (1655 W. Quarterhorse Dr., Lot 192): Paint trim - Approved.
 - c) Kadue(1795 W Pack Saddle Dr., Lot 303):Wood siding & metal roofing-Approved.
 - d) Kadue (1795 W Pack Saddle Dr., Lot 303): Stucco siding – Denied.
 - e) Janice Harris(1655 W. Big Trail Dr., Cedarwoods #403, Lot 327-015):Deck-Denied.
 - f) Amy Boillot(1755 W. Pack Saddle Dr., Lot 299):Roof paint & trim paint-Approved.
 - g) Amy Boillot (1755 W. Pack Saddle Dr., Lot 299): Siding paint – Denied.
 - h) Dan Matzke (1770 W. Diamond Hitch Dr., Lot 274): Roof – Approved.
 - i) Michael Keegan (3075 S. Stirrup Dr., Lot 310): Deck – Approved.
 - j) Stan and Joy Steiner (1210 W. Hereford Dr., Lot 73): Shed – Denied.

k) Dylan and Catherine Wade (1185 W. Hay Sled Dr., Lot 53): Paint – Denied.

9. Old business.

a) John Jolly meeting update; eastside ditch embankment.

Paul, Chuck and Larry were able to meet with John Jolly at his home and inspect the adjacent eastside ditch embankment. John reported that Paul from Westwood Curtis was supposed to contact Rafter J. Further discussion with John was tabled, pending Board discussion.

b) Open space study phase 1 update.

Karen set up a phone meeting for the Board members next Wednesday at 7:00 p.m. to discuss the open space phase 1 document with Hans Flinch. Following discussion, Nancy was asked to set up a Zoom meeting. The document will be made available to the owners after it is reviewed.

10. New business.

a) Annual Meeting.

Information for the annual meeting was sent to owners July 27, 2020. The annual meeting will be held at Gateway Church in Rafter J and online via Zoom at 7:00 p.m. Tuesday August 18, 2020.

A site visit at Gateway Church has been set up for this Wednesday at 2:00 p.m. Karen offered to attend the meeting with Nancy.

Voting during virtual meetings was discussed. Nancy stated, unless the HOA legal documents specifically allow voting during virtual meetings, the vote could be contested. Meeting procedures are being setup to address possible issues, and any ruling on a vote will be pending until online votes are verified. Chuck suggested having a paper backup for online voting. The Board will review the voting process prior to the meeting.

11. Review action items.

The Board reviewed the action items and removed those that were completed.

12. Adjourn.

Paul adjourned the meeting at 9:04 p.m.