



HEBGEN LAKE ESTATES OWNERS' ASSOCIATION ANNUAL MEETING
SEPTEMBER 28, 2023, 6:09 PM – 8:00 PM

Introductions & Welcome. The President welcomed the following association member attendees: James Schulteis (Alla, Jameson), Edith Ford, Karrie Taggert, Patti Hostetter, Jim & Vonda Laird, Charles Flemming, Betsy & Sam Schauerma, Penny Meyers, Josh & Amy Crunk, Guida Veronda, Robby Pohle, Arnie Christenson, Kate Eisele, and Ron Matesian.

Guest Speakers. The President introduced the following speakers.

MONTANA FISH, WILDLIFE & PARKS (FWP) WARDEN-Robby Pohle gave a talk about bear awareness, Game Warden Pohle had a few bear-human encounters in West Yellowstone. Pohle said it was not uncommon for bears to walk through HLE neighborhood. He accounted one incident on Valentine where a bear broke into a home this spring going after chickens which was sighted on ring cameras. Pohle stated that a bear's home range is Taylor Fork to Kilgore ID. Pohle thought it was the same bear that was breaking into chicken coops in a neighboring neighborhood. According to Warden Pohle, bears are currently in hyperplasia looking for calories and not as wary of people in the fall. Bears' drive for calories is pushing them to take risks to get food. Steps to take to avoid bear encounters include having a clean yard, getting rid of attractants (anything smelly will bring them in) up and out of the yard (bird feeders, garbage, dog food, and clean grills well. Pohle also said that bears like beer, chain oil, and chicken coops. Pohle remarked there is one chicken coop in our neighborhood. However, bear management folks have collaborated with that neighbor before to make the chicken coop safer, recommending a hard sided coop, with barbed wire around it & electric fencing. Pohle has had 2 calls this spring about bears. The homeowners have been receptive to FWP input and put an electric fence around the chicken coop area. it; Homeowners call 911 or call the 1-800-tip line for FWP to get bear management folks in touch with you. Pohle said that bear spray is effective to carry and also works against bison. Warden Pohle remarked that residents do have a right to defend themselves if a bear breaks into your home to protect life & property. However, it was not his experience and not acceptable bear behavior to break into a home. Bears are more apt to break into trash receptacles. To avoid this, procure a certified bear resistant receptacle (if they play with it for an hour and do not get a food reward). Garage is a hard-sided structure, and it is deemed secured property under current regulations per Pohle. Last year, Pohle recounted there were some incidents around birds & ducks on Valentine Lane. Pohle warned that shooting a grizzly bear in defense of livestock is not an acceptable reason to shoot, but a low bar. However, Pohle has never seen anyone prosecuted for that in the past 7 years.

Several homeowners asked Pohle about their multiple sightings of horses in the HLE community and whether they are allowed. Pohle said he did not have jurisdiction but perhaps the Department of Livestock (for loose animals). The Board added that HLE covenants do not permit any animals other than dogs and cats as pets and so long as they are under the owner's control and do not constitute a nuisance to others.

The Board remarked that Warden Pohle's account of a homeowner having chickens in our neighborhood not only attracts bears but also violates numerous HLE covenants (prohibition of chickens/roosters, creating a public nuisance, Board unapproved coop structure). There are around 95% of the homeowners that follow covenants and take pride in maintaining their properties. The Board does not engage in driving around



HEBGEN LAKE ESTATES OWNERS' ASSOCIATION ANNUAL MEETING
SEPTEMBER 28, 2023, 6:09 PM – 8:00 PM

patrolling for violations. If you see a possible violation, please let us know & we will do our best to address the problem. The Board consists of volunteers and currently has two vacancies. The Board reminded the attendees that they are working on a policy to impose monetary fines on homeowners who violate covenants. The President added that volunteers are needed as Board Members. Board meetings are in the spring, summer & fall, and the Board's work does not take that much time.

USFS Representative-Nick Mustoe. Acting District Ranger, Hebgen Lake Ranger District, said that Wendy Yuri will be permanent district ranger taking over later this month. Ranger Mustoe gave an update of the woodpiles from the Rainbow Point Tree Trimming Project. He stated that starting this winter if weather conditions are favorable or next winter if not, the contractor will begin burning the piles. Mustoe said concerned homeowners could look on the Facebook page of USFS or reach out to the ranger district & give them the HOA email so they can let us know burning will take place. Mustoe said that for residents collecting firewood from the wood piles to stay on the roads with their vehicles. Mustoe also mentioned that the Hebgen Lake Ranger District also shares weed control with Bozeman Ranger District trying to work on attacking weeds and have a separate pool of money for that purpose.

Proxies. The President called for the collection of Proxies: None were received.

Election Ballots. The President called for the collection of Election Ballots. None were received.

Treasurer's Report. The Treasurer reported that our previous property manager resigned last December. In June the Board hired a new property manager. Consequently, dues invoices were sent out later this year in July 2023. The Income Statement as of September 28, 2023 follows.

Estimated annual income (131 lots @\$75).....	\$9,825.
Less unpaid Current Year Dues.....	(\$2,625).
Net Dues to Date.....	\$7,200.
August 2023 Bank Balance.....	<u>\$37,230.</u>
Total Income.....	\$44,230
Less Actual Annual Expenses to Date.....	<u>(\$8,002)</u>
Balance September 28, 2023.....	\$36,428

Note there are \$2625 in uncollected dues for this year. A second dues notice will be issued in October. A reminder that dues are payable within 30 days of mailing or email receipt. HLE/HOA Covenants allow the Association to impose reasonable charges for interest and penalties for overdue payments. As such, if dues remain unpaid, an interest charge of 10% per annum, compounded monthly on the unpaid dues amount and a \$25 annual late fee penalty per lot will apply. There are also \$1500 of outstanding prior year(s) dues. Unpaid assessments shall be a lien against the property of the delinquent homeowner. The Treasurer has previously sent notices of intent to file liens but will now consult with the association's attorney to prepare a lien document to file with Gallatin County



HEBGEN LAKE ESTATES OWNERS' ASSOCIATION ANNUAL MEETING SEPTEMBER 28, 2023, 6:09 PM – 8:00 PM

Discussions & Updates – Old & Ongoing Business:

Weed Management. The Secretary gave an update about weed spraying. The focus of weed spraying is weeds near and on the roadways. Weed sprayer can do big patches of weeds on properties if notified in advance. A reminder, if you do not want the spraying done, let the HOA Board know. Weeds-add dye to the spray next spring; concerned about knapweed spreading into the neighborhood from Pine Needle; concerns about foxtail marching back into the neighborhood; reach out to the Yellowstone Ranch (Travis Hansen-still ranch manager; have been spraying on the ranch but they are losing the battle-says Arnie Christensen); Using goats was suggested. Anyone have a contact, please let the HOA President know to follow up. We will investigate the cost & what is involved in bringing goats into the community. Bear safety verses having goats would have to be discussed more.

Constant Contact Emails & Website. The Secretary asked homeowners to please update emails; let board know if there is anything you want to add on the website; if you have an announcement you want made, let us know, so we can push it out via constant contact; 85% of invoices were sent out via email this year; homeowners should check your Spam folders for initial email from the HOA.

Property Owners' Changes. The President told of very few changes of properties this year; several homes on the market, so could be changes in the future; Chris Mountjoy passed away in mid-August; owned a double lot on Grizzly Bear; lawyer managing his estate and has contacted us about dues & cement truck removal.

New Business & Discussions:

Covenant Violations Complaints & Outcomes. The President asked homeowners with complaints against their neighbors to:

- 1) The first step is for the complainant to try to talk to the homeowner in question if they feel comfortable and unafraid.
- 2) If unresolved, the next step is for the Board to contact residents who complained about & talk to them to try and resolve the issue; may take a few calls to try and get them to address the issue.
- 3) The next step is for the Board to prepare and issue a warning letter stating the issue in violation, the proposed remedy, and the time period to make correction action.
- 4) If the violation is not remedied or addressed, the Board will look into possibly imposing fines to the homeowner, filling a lien against the property, remedying the issue and costs will be borne by homeowner, or by ultimately filing a lawsuit.

Amending HLE/HOA Covenants & ByLaws. The Board asked the attendees for volunteers to form a working committee to draft a policy for fining violators of covenants. It has been the Board's experience that homeowners will take corrective action against covenant violations if they are subjected to monthly fines. Unpaid fines could also result in a lien on a property. The Board has concluded this is the preferred way to



HEBGEN LAKE ESTATES OWNERS' ASSOCIATION ANNUAL MEETING
SEPTEMBER 28, 2023, 6:09 PM – 8:00 PM

enforce covenant violations rather than the more expensive and time consuming suing process through the courts.

A working committee could attempt to get feedback from our community on how aggressive a fee policy the Board should implement. Also, the committee could try to educate the community about the most frequent covenant violations through Constant Contact notifications. The committee would work up a fining policy to present to our association lawyer for review and advice. Also, the committee would draft warning letters for covenant violations, and determine the amount and frequency of fines when property owners do not take corrective actions. Patti Hostetter and Karrie Taggart volunteered to work on this committee headed up by the Board's Treasurer.

HOA Funds for Community Development. Homeowner Penny Meyers made some suggestions for community improvement and also to make the community more cohesive. Among them were a playground, ski/bike trail around the community, trail to the lake, use of common space, happy hours, yard game leagues. The HOA would have to consider the cost of maintenance and liability insurance for some of these projects. Penny also suggested utilizing the designated "Park" area within the community for a project. A suggestion was made that HOA contact the Yellowstone Ranch (YR) and make a case for their neighbors to periodically use the ice rink at the ranch (Travis Hansen, YR manager, volunteers at the fire department where homeowner Arnie Christensen works). Another suggestion was to be able to walk down Valentine Lane to the lake. According to Warden Pohle and Mike Gaffigan-West Yellowstone Police Chief, Valentine Lane is not a private road like one homeowner there thinks it is private. Charles Flemming and Patti Hostetter volunteered to work on this committee headed up by the Board's Secretary.

Architectural Review. The Board asked for volunteers to work on the Architectural Review committee who reviews all residential construction and post construction changes and recommends to the Board their approval. James Schulteis volunteered to work on this committee as well as a position on the HLE Board of Directors.

Other Discussed Issues:

- The Board when asked questions about HLE covenants responded that ATVs/4 wheelers/dirt bikes-can only ride in and out of subdivision but not around in circles on the community roadways. Snowmobiles are to stay off open space.
- The Board, when asked questions about the poor condition of Rainbow Point Road responded that it is on the list for repairs but down on the list for the county. The county did ask the Hebgen WSD for support to apply for a federal/state infrastructure grant money. The Board could contact/email John Carstensen, Hebgen WSD if the county also wants HLE/HOA support?



HEBGEN LAKE ESTATES OWNERS' ASSOCIATION ANNUAL MEETING
SEPTEMBER 28, 2023, 6:09 PM – 8:00 PM

- Karrie Taggart mentioned springtime and currently there are Issues with flooding down on Moose Drive. This was also an issue in 2018, where flooding was bad. James Nickelson at Morrison-Maierle sent over engineers for an appraisal. Currently, flooding is getting especially worse in some people's basement crawl space. Karrie has reached out to Morrison-Maierle citing the lack of crowning of roads (creating a high point) & gravel sliding down into the culverts that are plugged. Who is responsible for clearing out the culverts? What is being done now is not working & flooding may get progressively worsening condition; seems like the county RID issue; A number of neighbors on Moose Drive also have these flooding issues. The Treasurer will call James Nicholson, at Morrison-Maierle.
- Mailboxes on the plowed area of Rainbow Point Road? Sara Erbe is the postmaster who lives in our community; in the past HLE did not qualify.

Arnie Christenson, B3-L25, won the raffle for the waiver of next year's dues for one lot.