

OA BOARD Mtg

11/9/2010

HLE BOARD OF DIRECTORS MONTHLY MEETING  
November 9th, 2010  
KELLY INN, WEST YELLOWSTONE 5:00 p.m.

Board members in attendance:

Vonda Laird  
Bill McNutt  
Karrie Taggart

Board members absent:

Ann Sexton (seasonal)

Meeting commences at 5:05 p.m.

1. October minutes reviewed. Minutes approved contingent upon corrections regarding insurance bill. Per Bill we're doing pretty good financially. Questions regarding our attorney's bill. Vonda to review specifics before paying it. Overdue reminders go out now (11/'10). Annual dues notices to be sent out 1/2011. Property changes - Savoy's sold to D. Hinkley.

2. Zoning violations. D. Neick certified letter returned unsigned. We've received all others. Examined City-County health department form letter being sent out by the County. After the 15th, anyone continuing to rent we will submit a formal complaint.

3. Vonda will call about the possibility of grouping with other subdivisions, as was suggested at the meeting in West Yellowstone with County commission, regarding overnight rentals.

4. By-Laws/Covenants revision. We'll work on as a PDF file and deal with By-Laws first.

5. Property clean up. Vonda will send an email to Finney's pushing for removal of excess snowmobiles as was discussed at our meeting with this family.

6. Old/new business. We reviewed letter from HLE WSD board member John Carstensen asking us to remove the WSD board members names off HLE's website. This is public information. We believe this info. ought to be available to all members. It will stay.

Liens- Vonda will call County for names and status. Attorney's did initial ones.

Tax returns- Vonda to inquire with her accountant about filing.

Road grading- Vonda to call Morrison/Meirlie to ask they send someone to examine road conditions and suggest ways they can improve.

Due to upcoming holidays/schedule conflicts, we opted to skip December meeting. Next one will be on January 11th, 2011 at the Kelly Inn, 5:00 p.m.

Meeting adjourns 7:50 p.m.

HLE BOARD OF DIRECTORS MONTHLY MEETING  
October 12th, 2010  
KELLY INN, WEST YELLOWSTONE  
5:00 p.m.

Board members in attendance:

Vonda Laird - Pres.  
Ann Sexton - Vice Pres.  
Karrie Taggart - Secretary

Absent:

Bill McNutt - Treasurer

*Approved  
w/ revisions*

HLE members in attendance:

Pam W.  
Stan & Donna Cook  
Debbie & David Robinson

Meeting commenced at 5:10 p.m.

Budget: In Bill's absence Vonda reviews our finances. We're pretty much on track. County weed grant has reimbursed us. Invoice of \$1,225 paid. In order to cut costs we'll keep asking for member email addresses via newsletter. *for insurance pd*

*Not reimbursed*

Nightly Rentals: HLE OA members in violation of HL nightly rentals zoning regulations were notified by this Board via certified letters asking that they cease renting their homes by November 15th, 2010. Three homeowners signed for the certified mailings thus far.

On October 14th the Gallatin County Commission will discuss whether or not to move forward with the October 21st, 2010, public comment period regarding the Bennett/HL Zone Text Amendment allowing nightly rentals. HLE Board of Directors are in agreement to ask that the Commission postpone comment period until next summer when more residents are available for comment. (Zone text amendment asks that nightly/short-term rentals be allowed within existing subdivisions/district. It also asks for a clause allowing for special events facilities.)

Could we draw up our own zone text?

Old Business: Board was asked about attorney changes. We explained that Ed Guza was hired ~~(in 2007)~~ specifically for the WSD issues since our attorneys at that time, Berg/ Lilly, stated they were not proficient in this type of litigation. Summer 2010, due to a conflict of interest with another HLE OA member and Berg- Lilly, we retained Brian Gallik of Goetz, Gallik and Baldwin.

Board concerned covenants not being followed by members, i.e., BBQ's, home/yard improvements and additions, etc. Need to remind members to review covenants on web site via newsletter. Walk-bouts and enforcement by the Board becoming better regulated.

Pam states there isn't a "welcome" basket for newcomers.

Robinsons/Nightly Rentals & Trash: Debbie complains her neighbors have unsightly trash lying about and playing loud music. Vonda discloses some of the conversation the Board had previously with neighbors in question. Within the next few weeks we hope to see some improvements.

Debbie questions the boards decision to request homeowners discontinue renting their homes out. Ann defines County definitions of short-term/nightly rentals for her and explains rentals are in violation of County regulations. Debbie asks what the Board will do if people ignore our cease and desist request. Board's response, "we will follow Hebgen Lake Zoning policy and our protective covenants and take the complaint to the County". David Robinson states, " there will be legal action in the future. This will go to court".

Robinson's feel our request for HLE OA members input regarding this issue was premature. Debbie asks if the zone text amendment were to pass what happens to HLE? Vonda responds, "we don't know at this time".

Discussion becomes heated and ineffective. Vonda appropriately closes discussion.

New Business: Scott Benson proposes a 30x15 front deck made with larch and knotty wood railings. Vonda made a motion to approve, Ann seconds. Passed. Mentioned to Scott he could get a copy of covenants from his title company or access them on our web site.

WSD Update: Ann mentions WSD working on Coyote Drive problems with lines freezing. They want to either heat it or replace it.

Grant results should be back any time. Optimistic about getting it.

Late fees have gone to the County.

HLE OA Board would like to place a WSD timetable, executive summary and picture of building on our web site.

Road Blading: Greg very busy. We need to request a run through of roads again.

After informal round of discussion meeting adjourns 7:10 p.m.

10-5-2010

Short Term Rentals

**From:** Dee Hall (dthebgenlake@earthlink.net)  
**To:** hobnob03@yahoo.com;  
**Date:** Tue, October 5, 2010 1:31:06 PM  
**Cc:**  
**Subject:** Karrie,

Karrie,

↓  
ZONING

Look under Section 6, Definitions. Especially 6.15 commercial, 6.63, residential and 6.64, residential renting. Long term renting (30 days or longer) of a dwelling unit to one and the same family for the entire period, consistent with State of Montana inspection requirements. This does not allow nightly and weekly rentals.

Residential renting is a permitted use in the various districts. When we were discussing residential renting in HLE we took into consideration the time share units and that is why it is not specifically listed for HLE. We did not want to take that right away from the time shares. But we do list the permitted uses as single family dwellings. The definition of a single family dwelling is defined in 6.28. Living together as a "single non-profit housekeeping unit". Which would not include commercial nightly/weekly rentals.

I know that was our intent and also checked with a former advisory committee member who agreed. The only nightly/weekly rentals were agreed to for HLE were the time shares, not individual family homes.

Hope this helps.

Dee  
Dee Hall  
[dthebgenlake@earthlink.net](mailto:dthebgenlake@earthlink.net)

Karrie,  
check state of montana inspection requirements

**From:** Apowderriver@aol.com (Apowderriver@aol.com)  
**To:** contactdoj@mt.gov;  
**Date:** Thu, November 18, 2010 11:02:41 AM  
**Cc:** BrianSchweitzer@mt.gov; governor@mt.gov; joe.skinner@gallatin.mt.gov;  
Sean.OCallaghan@gallatin.mt.gov;  
**Subject:** Questions I would like answered, Please.

*Mr. Bullock,*

*According to the Hebgen Lake Zoning Regulations set in place November 1975, short term rentals were not allowed in Residential Neighborhoods, within the Hebgen Basin. This summer, after many years of breaking that rule, a few people have decided to make what they have been doing legal. Mary Jo Bennet; homeowner, Hebgen Lake Estates, along with Rob Klatt, realtor, and Debbie Robinson; homeowner, Property Manager, and also manages Yellowstone Village, I think, have pooled together and are trying to get a Zoning Text Amendment. The decision on that Text Amendment has been postponed until this summer so the people that live here can have a say. These 'law breakers' have been told to cease all such activities. (which they haven't, I have pictures, as well as many others have filed complaints)*

*There is a 7% lodging/bed tax required to be paid to the Montana Department of Revenue, (according to the rules, this money should have been collected by the State). (This is only the tip of all the violations, there is the health issue with laundry for the public etc. etc.)*

*My questions are: Isn't any money received from these short term rentals, that are breaking zoning rules/regulations considered "Dirty-money"? Doesn't this make the State Department of Revenue guilty of receiving said money? Why are these homeowners/property managers allowed to continue this practice, and thumb their noses at the law, not to mention those of us that have to put up with this in our neighborhoods? Since when does it take an 'act of Congress' to enforce a law but when you break one that is acceptable?*

*Laws are being broken, and not only is the State of Montana ignoring the 'law-breakers' they are one of them.*

*The law breakers are fully aware of the fact they are breaking it, they are basically no different than a 'drug-dealer' on the corner when it comes to abiding by what the community set forth many years ago. How is this teaching our kids right from wrong?*

*The excuse; 'We are only trying to make a living' by renting their homes short term, is feeble at best. How many people trying to survive, need \$3,000.00 - \$3,650.00 a*

WEEK?

*When and how do we know what laws are to be followed, and what ones we can ignore?*

*There are an awful lot of violations, that have been going on for quite some time, (at full knowledge to the 'violators, and their violations') and citations that could be collected.*

*There are a couple of excerpts from the Zoning Regulations after the end of this letter.*

*Sincerely*

*Ann Stovall*

*224 Valentine Ln.*

*Horse Butte Peninsula*

*West Yellowstone, MT 59758*

*Apowderriver@aol.com*

*(406)646-9612*

*Hebgen Lake Zoning .....*

*1. SECTION 1 TITLE, CREATION AND ADOPTION*

*1.1 This Regulation shall be known as the Hebgen Lake Zoning Regulation (the "Regulation") and is adopted for the Hebgen Lake Zoning District (the "District"). The District was created by Resolution of the Board of County Commissioners, Gallatin County, Montana, on November 13, 1975.*

*Definitions:.....*

*6.63 Residential. Non-commercial single or multi-family dwellings. Residential zones refer to the RX, COSX, PUD-X, R-5, R-10, and HLE districts.*

*6.64 Residential Renting. Long-term renting (30 days or longer) of a dwelling unit to one and the same family for the entire rental period, consistent with State of Montana inspection requirements.*

*6.70 Short-Term Rental. Rental of a dwelling for a period of less than 30 days.*

*SECTION 7 EXISTING RESIDENTIAL DISTRICT (RX)*

*7.1 Intent. The intent of this district is to provide for residential buildings on lots in subdivisions platted prior to the adoption of the original Hebgen Lake Zoning Regulation.*

*7.2 Permitted Uses. The permitted uses in the RX shall be:*

*1. Accessory uses.*

*2. Home occupations.*

*3. Signs, as permitted by this Regulation (see Section 16.11).*

*4. One single family dwelling per existing lot.*

*5. Residential renting.*

*6. Temporary structures for and during construction, only (see Section 16.8). 7. Keeping riding or pack animals for personal use.*

*7.3 Conditional Use. The conditional uses that may be permitted in the RX and COS-X shall be:*

*1. Churches.*

*2. Fire stations.*

*3. Guest houses.*

*4. Schools.*

**From:** James Ford (jford2356@msn.com)  
**To:** hobnob03@yahoo.com;  
**Date:** Sat, October 9, 2010 6:29:30 AM  
**Cc:** kmk356@earthlink.net;  
**Subject:** [ No Subject ]

Kerrie,

This is a copy of the email I sent to Chris Scott and the county commissioners. My CC to Dee Hall was rejected. Perhaps you are able to forward it to her.

Thanks,

Jim Ford

10/7/2010

Subj: Proposed Hebgen Lake Zoning District text amendment

My name is James Ford, I am a home owner in Hebgen Lake Estates. The purpose of this email is to respectfully request the Gallatin County Planning and Zoning Commission postpone their decision on the proposed Nightly/Weekly rentals in Hebgen Lake Zoning District until next Summer when more owners/residents are present. This will allow those that would be impacted most to express their views and opinions, rather than the select few who are primarily interested only in their financial gain. I believe allowing this amendment to pass will negatively change and impact the spirit and intent of the small mountain developments within the zoning district. Hebgen Lake Estates has been very peaceful and wildlife abounds, increasing the number of occupants in rental units and the associated traffic will clearly have an undesirable impact on our infrastructure. We currently are dealing with Gallatin County's neglect of our sewer/water system, adding additional loads with nightly/weekly rentals will only exacerbate our existing problem. Clearly the only benefit to be realized will be to the owners and/or managers of the rental units. Their attitude states they have little or no regard for the rest of the home owners.

James R Ford  
310 Grizzly Bear Loop  
PO Box 1715  
West Yellowstone, MT

phone# 646-5105



OA BOARD

member survey re SHORT TERM Rentals

9/27/2010

HEBGEN LAKE ESTATES OWNERS' ASSOCIATION BOARD OF DIRECTORS  
P.O. BOX 638  
WEST YELLOWSTONE, MT 59758

September 27th, 2010

Dear Members,

As we have stated in previous newsletters your Hebgen Lake Estates (HLE) Board of Directors have been vigorously researching, discussing and deliberating at great length the subject of short-term/nightly rentals that have emerged within Hebgen Lake Estates.

Currently we are dealing with two components of the issue. The first being that several homeowners in HLE have begun renting their homes out on a short-term/nightly basis, which is in direct violation of the Hebgen Lake Zoning Regulations.

According to Hebgen Lakes Zoning regulation section 6.70, a short-term rental means, "Rental of a dwelling for a period of less than 30 days". Short-term rentals are prohibited in all residential districts located within the Zoning District. Short-term rental of less than 30 days would constitute a violation of the Hebgen Lake Zoning Regulation.

Our HLE Protective Covenant #14- Hebgen Lake Zoning Ordinance A, Compliance, Subsection #1 states, "These covenants may be more restrictive than the Hebgen Lake Zoning Ordinance. The may not be less restrictive than the Ordinance. In the event that a covenant is less restrictive than the Ordinance, the provision of the Ordinance shall prevail". Subsequently, it is the Zoning Ordinance that takes precedence in this case.

The second element to this equation is a proposed zone text amendment that has been submitted to the Gallatin County Planning Department requesting existing regulations be changed to allow for short-term rentals, i.e. Vacation/Tourist Home with new development standards, etc. Also included is a request to add a special event facility as a permitted use in commercial and PUD-X (Planned Unit Development-Existing) districts, with new definition for such. You can access a copy of this proposal on our website at [hebgenlakeestates.org](http://hebgenlakeestates.org).

In an effort to better represent all members of the Association, we are soliciting your comments, opinions, and sentiment in regards to this issue. We ask that you please present your remarks to the board of directors at [hleboard@hebgenlakeestates.org](mailto:hleboard@hebgenlakeestates.org) or Hebgen Lake Estates Owners' Association, P.O Box 638, West Yellowstone, MT, 59758. We are working within a fixed timeframe and respectfully request that you submit your comments no later that October 12th, 2010.

Horse Butte is a wonderful place to live. We would like to ask that everyone carefully consider what you envision for our community in the future before responding to this request.

Sincerely,

Your Hebgen Lake Estates Board of Directors

County  
Commissioner  
contact  
chair

Bill Murdock - [bill.murdock@gallatin.mt.gov](mailto:bill.murdock@gallatin.mt.gov)  
Steve White - [steve.white@gallatin.mt.gov](mailto:steve.white@gallatin.mt.gov)  
Joe Skinner - [commission@gallatin.mt.gov](mailto:commission@gallatin.mt.gov)  
Beth Horn (chairperson) [khcritters@aol.com](mailto:khcritters@aol.com)

OA Meeting

9/16/2010

**HEBGEN LAKE ESTATES OWNERS' ASSOCIATION**  
**ANNUAL MEETING**

POVAH COMMUNITY CENTER

SEPTEMBER 16<sup>TH</sup>, 2010

7:00 p.m. - 9:00 p.m.

1. Call to Order and Welcome 7:00-7:15  
Roll Call  
Reading of Minutes  
Treasurer's Report
2. Fire Volunteers/Station 7:15-7:30
3. Web Site 7:30-7:35
4. Nightly Rentals with public comment 7:35-8:35
5. Unfinished Business and New Business 8:35-8:55

Adjourn 9:00 p.m.

# HEBGEN LAKE ESTATES OWNERS' ASSOCIATION ANNUAL MEETING

POVAH COMMUNITY CENTER

OCTOBER 9, ~~2009~~ 2010

7:00 p.m. – 9:00 p.m.

1. Call to Order and Welcome 7:00-7:15 p.m.

Roll call

Reading of Minutes

Treasurer's report / *FINANCES*  
*Bill*

2. *FIRE VOLUNTEERS / STATION*  
Nominations and Elections ~~7:15-7:45 p.m.~~

3. *WEBSITE - BILL*  
~~Unfinished Business and New Business 7:45-8:30~~

4. *NIGHTLY RENTALS*  
~~Public Comment 8:30-8:55~~  
*Questions*  
*current status*  
*zone amendment*  
*straw poll*

Adjourn 9:00 p.m.

*5. public comment*

*Adjourn*

*June/July*  
• *minutes*  
*Aug. done*  
*need to*  
*be put*  
*in computer*  
• *agenda for*  
*annual*  
*9/14*  
• *address AS*  
*to quick print*

HEBGEN LAKE ESTATES OWNERS' ASSOCIATION

PROXY

AUGUST 12, 2008

ANNUAL MEETING

TO: Karrie Taggart, Secretary  
HLE Homeowners' Association  
PO Box 638  
West Yellowstone, Montana 59758

The undersigned hereby appoints \_\_\_\_\_,  
attorney and agent with the power of substitution for and in the name, place and stead of  
the undersigned, to vote as proxy at the annual membership meeting of the HLE Owners'  
Association, to be held at the Povah Community Center, August 12, 2008, at 7:00 pm.,  
and any adjournment thereof, according to the number of votes that the undersigned  
would be entitled to vote if then present upon the matters set forth in the June 2008  
Newsletter Notice of Meeting, a copy of which has been received by the undersigned.

In no event shall this proxy be valid for a period longer than 90 days after the date  
of the first meeting for which it was given.

DATED this \_\_\_\_\_ day of August, 2008.

Owner/Member:

\_\_\_\_\_  
\_\_\_\_\_

Lot Number: \_\_\_\_\_

(or Property Address)

# HEBGEN LAKE ESTATES OWNERS' ASSOCIATION, INC.

## A Non-Profit Land Owners Association

The undersigned member of HEBGEN LAKE ESTATES OWNERS' ASSOCIATION, INC. a Non-Profit Land Owners' Association, hereby appoints:

\_\_\_\_\_

as proxy, with full power of substitution, to vote all votes of said corporation which the undersigned would be entitled to vote at the annual meeting of its members to be held at the West Yellowstone Conference Hotel, Holiday Inn Sunspree Resort, 315 Yellowstone Avenue, West Yellowstone, Montana, 59758, on Friday the 18<sup>th</sup> day of February, 2005, at 7:00 P.M.. I understand that said meeting is held for the purpose of electing a Board of Directors and to establish yearly dues and utility hook-up fees as the Protective Covenants allow, and to transact any other business that may come up before the meeting, as set forth in the Notice of said meeting, receipt of which is hereby acknowledged.

Additionally the undersigned member specifically casts the member's vote on the following matters known to be acted upon at the meeting.

1. RESOLVED, that the acts of the officers and directors, in conducting the matters of the corporation, since its last meeting, be and they are hereby ratified, confirmed and approved.

\_\_\_\_\_ YES \_\_\_\_\_ NO

Upon proper return of this written proxy and ballot specifying the member's vote on the above matters, the vote shall accordingly be cast at the meeting on the member's behalf.

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

[ OR ]

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

(Please sign, date, and return promptly. Signature should correspond exactly with the name as it appears in the records of the corporation. If executed by a partnership, corporation, or fiduciary, please sign full partnership or corporation name by duly authorized general partner, officer or fiduciary. Please note that if a member is jointly held, this proxy must be signed by all holders of such membership.)

September 22, 2008

Hebgen Lake Estates Board of Directors  
P.O. Box 638  
West Yellowstone, MT 59758

Dear Members,

The history behind Hebgen Lake Estates (HLE) water and sewer problems has a very complicated history. For background information please access our member website at: [www.hebgenlakeestates.com](http://www.hebgenlakeestates.com).

In March, 2006, home and property owners were notified that HLE was out of compliance with DEQ standards for nitrates. Requests were made by Association members asking the HLE Board of Directors to look into the possibility that Gallatin County may have been derelict in their duty in properly maintaining our sewer system, therefore causing its failure. We hired Attorney at Law Mr. Ed Guza, of Bozeman, Montana, for research purposes and advice.

After obtaining questions from members, via our letter in March, the Board of Directors submitted these to Mr. Guza for his perusal. On Aug. 12, 2008, he met with the HLE Owners' Association at our annual meeting to answer our questions and help direct our next move.

Mr. Guza's research found that Gallatin County and/or Morrison and Maierle are most likely the responsible parties. However, whether data shows lack of proper maintenance on paper, there are several factors that could have contributed to the system failure. Legally, we have to prove causation. To do this requires hiring an expert wastewater engineer to examine our compiled data first. It's estimated that in doing so could cost us around \$10,000 to \$15,000.00, or roughly \$75.00 to \$100.00 per lot, aside from association dues. If we want to follow up on this we may need a special assessment put into place.

HLE Board of Directors is now putting this to a vote among all members. We ask that you please fill out the vote form and send it back with your vote "for" or "against" hiring a consulting wastewater engineer. **DEADLINE - OCT. 17, 2008.** It would be advantageous for everyone to fill this out since the majority of the vote will constitute our next move financially.

Any questions, please feel free to contact any Board member.

Sincerely,

Karrie Taggart  
Secretary, HLE Board of Directors

Your Name and Lot number: Debbie & David Robinson

- ☒ Yes, hire a wastewater consulting engineer  
☐ No, do not hire a wastewater consulting engineer

It's that time of year again. As noted in our spring newsletter, the HLE Owners' Association annual meeting will be held at the Povah Community Center, 10 S. Geyser St., West Yellowstone, MT, on September 16<sup>th</sup>, 2010, at 7:00 p.m. Due to the possibility of inclement weather we decided to delay the BBQ until next summer.

If you have a topic that you would like placed on the agenda please submit it to Karrie at

~~hobnob03@yahoo.com~~ ASAP.

~~hobnob03@yahoo.com~~

HEBGEN LAKE ESTATES OWNERS' ASSOCIATION, INC.

**PROXY**

AUGUST 30<sup>TH</sup>, 2010

TO: Karrie Taggart, Secretary  
HLE Owners' Association  
P.O. Box 638  
West Yellowstone, Montana 59758

The undersigned member(s) of HEBGEN LAKE ESTATES OWNERS' ASSOCIATION, INC. a non-profit landowners' association, hereby appoints:

STANLEY COOK

attorney and agent with the power of substitution for and in the name, place, and stead of the undersigned, to vote as proxy at the annual membership meeting of the Hebgen Lake Estates Owners' Association, to be held at the Povah Community Center, 10 S Geyser St, West Yellowstone, Montana, on September 16<sup>th</sup>, 2010, at 7:00 p.m., and any adjournment thereof, according to the number of votes that the undersigned would be entitled to vote if then present upon the matters set forth in the June 2010 Newsletter Notice of Meeting, a copy of which has been received by the undersigned.

In no event shall this proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given.

Dated this 13 day of September, 2010.

Owner/Member(s):

Print name:

RONALD STEENERSON

Signature:

Ronald Steenson

Block number:

Lot number:

Physical address:

254 GRIZZLY BEAR LOOP

Please sign, date and return promptly. Signature should correspond with the name as it appears in the records of the corporation. If executed by a partnership, corporation, or fiduciary, please sign full partnership or corporation name by duly authorized general partner, officer or fiduciary. Please note that if a member is jointly held all holders of such membership must sign this proxy.

OA mtg

9/16/2010

HLE OWNERS' ASSOCIATION ANNUAL MEETING  
SEPTEMBER 16TH, 2010  
POVAH COMMUNITY CENTER, WEST YELLOWSTONE  
7:00 - 9:00 p.m.

Board members in attendance:

Vonda Laird - President  
Ann Sexton - Vice President  
Bill McNutt - Treasurer  
Karrie Taggart - Secretary

7:00 p.m.- Ann opens the meeting and welcomes members.

ROLL CALL. All board members in attendance.

Jeff Schoenhard resigned as President of the board after having volunteered several years beyond his original term. We'd like to thank Jeff for all his hard work on behalf of the Association. The Board of Directors unanimously voted Vonda Laird fill the position of President. We're hoping there's a couple of members willing to volunteer for a place on the board.

1. BUDGET. We're pretty much on track. Audience is asked to refer to copies of budget given them at sign-in. Majority of expenses goes toward snowplowing. Bill Arnado is on contract and bills us accordingly. As winter progresses, plowing between Heames and Millspaugh's (on Moose Drive) will be plowed on an as needed basis if funding becomes low.

Ann explains RID and asks members to notify Board of extra muddy areas that can be corrected with gravel during the next summer season.

2. FIRE STATION/VOLUNTEERS. Jim Ford has volunteered to be a liaison between WYS Fire Department (FD) and HLE Board of Directors. The FD has applied for a grant to help build a substation. Homeowner insurance premiums will drop with a new station in the neighborhood. However, Horse Butte needs 4 volunteers before FD will consider building it. Two need to be certified firemen. We need certified volunteers to help with street signs, address clarification, directing traffic during emergencies, handing out water to firemen, etc. We reviewed the Yellowstone Village stockade land donation for use of a substation.

3. WEB SITE. HLE Owners' Assoc. has a new web site. You can access it at [hebgenlakeestates.org](http://hebgenlakeestates.org). Keep in mind that it's still a work in progress but right now you can access copies of our protective covenants, by-laws and Hebgen Lake Zoning regulations here. Eventually you'll be able to view monthly meeting minutes, our budget/finances, newsletters, etc.. You can contact any board member by writing to [hleboard@hebgenlakeestates.org](mailto:hleboard@hebgenlakeestates.org). We welcome all constructive comments and suggestions.



4. NIGHTLY RENTALS. A zone text amendment has been submitted to the Gallatin County Planning office requesting present Hebgen Lake Zoning regulations be modified to allow for short-term/nightly rentals and a special events facility in Hebgen Lake Estates and the surrounding district. One homeowner and a local realtor drafted this text. Right now the Board is dealing with 2 issues. Our current management and the proposed zoning changes. Under interpretation, rentals are not permitted. We have several homeowners doing so presently. Fairness to all we'll do a straw poll for HLE members. We, HLE, are our own district. If the Bennett/Klatt text amendment goes through, we would still need to address covenant change. This would require 75% majority vote.

Edith Ford mentions a protest form that's available. Do we need to fill this out? Vonda explains this form is for those who wish to amend current regulations. Mrs. Ford also voices her concern about the special events facility proposed in aforementioned zone text and our present sewer problems in relation to nightly rentals and the toll it may take on the current system.

Debbie Robinson asks how the board plans to enforce covenants. Ann replies that we would follow Hebgen Lake Zoning and HLE Covenants/By-Laws policies. Mrs. Robinson feels current covenants aren't up to snuff and wants to see them changed to allow nightly rentals. This will affect approximately 40-50 homes currently.

5. NOXIOUS WEEDS. We've made substantial improvements since initiating weed spraying. There's still more to be done though. B. Gotshall will continue to spray open areas but not private properties unless a request is received to do so, with written consent, by current owner. If property owners are interested in having their own lots sprayed it will cost around \$100 to \$150 per lot. The more residents interested, the cost will go down.

6. MISCELLANEOUS. Mrs. Robinson has complaints about her neighbors playing loud music, garbage in their yard, and offensive signs posted on trees. Vonda states the board has already taken steps to remedy the situation. Mrs. Robinson also wants members to know that the Yellowstone Village maintenance yard fence will be reinforced temporarily now and repaired next year. Some members state they haven't received newsletters and/or correspondence. Karrie will double check addresses on file and confirm with owners for accuracy. To defray the increasing cost of postage the Board plans to utilize the website more frequently.

After a brief period of informal conversation the 2010 HLE Owners' Association annual meeting is called to a close at 8:45 p.m.

OA BOARD mtg

8/17/2010

HLE BOARD OF DIRECTORS MONTHLY MEETING  
AUGUST 17th, 2010  
KELLY INN, WEST YELLOWSTONE  
5:00 p.m.

Board members in attendance:

Vonda Laird  
Ann Sexton  
Bill McNutt  
Karrie Taggart

Absent:

Jeff Schoenhard

HLE members in attendance:

Jim & Edith Ford

Finances: Refer to HLE expenditures sheet (attached)

Insurance: we need to find policy

Fire Station: Jim Ford has volunteered to be a liaison between WYS Fire Department (FD) and HLE Board of Directors. He reports that Horse Butte needs 4 volunteers before F.D. consider building a substation. At least 2 need to be certified firemen. Certified volunteers needed to help with street signs, address clarification, directing traffic during emergencies, handing out water to firemen, etc. Do we have a fire protection plan? What is it? Possible pamphlets for fire education F.D willing to drive by for home inspections.

Dumpster: We'll try coordinating it next year to coincide with neighborhood garage sale. Possibly offer dumpster for one week instead of two. Organize into categories for recyclables, debris for compost, and plain trash.

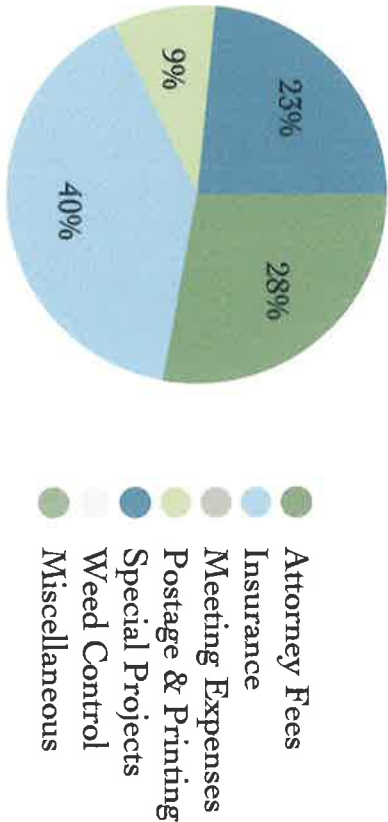
Website: Bill will ask Jason to transfer HLE name to our new host site.

Nightly Rentals: Ann made a motion to move forward with appeal for County to enforce their regulations and send certified letters to those in violation, Karrie seconds. Letters to be hand-signed by each board member. Organize a straw poll.

Meeting adjourned at 6:50 p.m.

# HLE OWNERS EXPENDITURES (AS OF 31 JULY)

Expenditure by Category



EXPENSE CATEGORIES

Category	Amount
Attorney Fees	\$ (856.92)
Insurance	\$ (1,225.00)
Meeting Expenses	\$ 0.00
Postage & Printing	\$ (269.07)
Special Projects	\$ (718.97)
Weed Control	\$ 0.00
Miscellaneous	\$ 0.00
Total	\$ (3,069.96)

## INCOME & EXPENSE

Type	Category	Amount
Income	Owner Dues	\$ 10,500.00
Expenses	Attorney Fees	\$ 1,250.00
	Insurance	\$ 1,250.00
	Meeting Expenses	\$ 500.00
	Postage & Printing	\$ 500.00
	Special Projects	\$ 1,000.00
	Weed Control	\$ 2,500.00
	Miscellaneous	\$ 500.00
Balance	Savings	\$ 3,000.00

BALANCE  
A 13,050.25

James H. Goetz  
Brian K. Gallik  
Robert K. Baldwin  
J. Devlan Geddes  
Trent M. Gardner  
Bonnie L. Jarrett  
Jim Barr Coleman  
Benjamin J. Alke  
Zachary K. Strong

*Short Term Rentals in HLE Zoning Dist*  
GOETZ, GALLIK & BALDWIN, P.C.  
Attorneys at Law  
35 North Grand 59715  
P.O. Box 6580  
Bozeman, Montana 59771-6580

8/13/2010  
Telephone  
(406) 587-0618  
Facsimile  
(406) 587-5144  
bgallik@goetzlawfirm.com

August 13, 2010

VIA E-MAIL ONLY [karrietaggart@yahoo.com](mailto:karrietaggart@yahoo.com)

Karrie Taggart  
West Yellowstone, MT

**CONFIDENTIAL**  
**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

*RE: Short-Term Rentals in the Hebgen Lake Zoning District*

Dear Karrie:

I have had an opportunity to review the Hebgen Lake Zoning Ordinance. I disagree with Amy Waring's interpretation and conclusion that because residential renting is not listed as a permitted or conditional use, that a short-term rental is not necessarily prohibited under the Zoning Regulations.

Under Section 3.5 of the Regulations, it is fundamental that "in the interpretation and application of this regulation the provisions of this regulation shall be held to be the minimum requirements adopted for the promotion of the health, safety and general welfare of the district." In addition, under Section 3.7, "this regulation does not nullify easements, covenants and similar private agreements, but where such an agreement imposes requirements less restrictive than those adopted here, this regulation shall apply."

I read through all the districts, and note that under Residential District (R-10) conditional uses include the following:

Attached housing, in open space developments only. Attached housing shall be permitted in the form of townhouses and condominiums, but timeshared condominiums and other short term rentals are commercial uses and shall be confined to the commercial zone.

**CONFIDENTIAL**

Section 11.3.8 at 24 (emphasis added).

The Commercial District, Section 13, specifically makes clear that conditional uses are short-term rentals of condominiums and other dwellings. Section 13.3.9.

I simply do not understand Ms. Waring's interpretation, in light of the clear language of the Regulations limiting short-term rentals to the Commercial District. Accordingly, I strenuously disagree with her interpretation, and believe she is in error.

Please keep in mind, that with respect to any interpretation or appeal of an interpretation, Section 5.7 requires that four (4) factors be considered:

1. That the use in its operation are compatible with the uses permitted in the district wherein the use is proposed to be located;
2. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located;
3. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located; and
4. The intent of the plan of this regulation will not be abrogated by such classification.

In sum, having reviewed the entire regulation, and the permitted and conditional uses allowed in each district, it is my opinion that Ms. Waring is wrong, and that short-term rentals are allowed only in the Commercial District. In addition, with respect to your covenants, if they impose a higher standard, those take precedence over the zoning, but would not be enforced by Gallatin County.

With respect to appeals, the appeal process, set forth in Section 24 and Section 17, Section 24 appears to apply to violators. Under Section 17.5, "appeals from the decision of the zoning enforcement agent concerning interpretation of this regulation may be taken in writing to the County Commission. An appeal must be filed within 30 working days of the date of receipt of the written decision of the zoning enforcement agent by the County Commission." Section 17.5.

It does not appear to me that the decision of Ms. Waring was sent to the Gallatin County Commission. Nevertheless, out of an abundance of caution, I have calendared 30 days from July 21, 2010, for purposes of lodging an appeal with the Gallatin County Commission. Right now, my appeal is pending before the County Attorney, which would

***CONFIDENTIAL***

be improper. I do not think that her decision has been forward to the Gallatin County Commission, and, therefore, the time is not running, but I think it important to cover our bases.

Please advise on how you wish to proceed.

Sincerely,

GOETZ, GALLIK & BALDWIN, P.C.

A handwritten signature in dark ink, appearing to be 'BKG', with a long horizontal stroke extending to the right.

Brian K. Gallik

BKG/pal

U:\BRIANPATTY\Taggart, Karrie\Correspondence\Taggart.1 (8-13-10).wpd

## HLE OA BOARD OF DIRECTORS MONTHLY MEETING MINUTES

July 13th, 2010

5:00 p.m.

Kelly Inn

West Yellowstone, MT

Board members in attendance:

Vonda Laird

Ann Sexton

Bill McNutt

Karrie Taggart

Finances: we'll work from a regular calendar year. Reviewed budget. Bill to get list of those we have placed liens on. Include budget in next newsletter until we can get it on website.

Insurance: will review policy for specific coverage's.

Nightly rentals: reviewed for others our meeting with Brian. He suggested timelines for subdivision history and county zoning regulations. Zoning laws sub-zoned within zoning district. We currently have 6 homes in violation of regulations and covenants. These homes were built after zoning regulations were in effect. YV condos, unsure.

Dust abatement: has been done. Roads need to be bladed first a couple days before being sprayed. Roads should be graded monthly.

Weeds: grant approved. Spray for Hoary crest now, toadflax in the fall. After 4 yrs. we're starting to see improvement in common areas and roadsides.

Mosquitos: Would WSD be interested in applying some form of management for mosquito control within the ponds?

Firehouse: What are their requirements to place a station? We need a contact person. Ann will seek out a volunteer.

Covenants: furthering our intentions of revising and updating covenants. We have examples of other association covenants to compare with. Vonda will review By-law questions from a previous board meeting and start on covenants.

Website: Jason bought domain name. This needs to be transferred to us. Serious consideration of other businesses besides Jason.

No further business

Meeting commences at 7:30 p.m.



# JUNE 2010 HLE BOARD OF DIRECTORS MINUTES

June 15<sup>th</sup>, 2010  
Kelly Inn  
West Yellowstone

Meeting commences 5:00 p.m.

## Board members in attendance:

Vonda Laird  
Ann Sexton  
Karrie Taggart  
Jeff Schoenhard  
Bill McNutt

## HLE members in attendance:

Edith Ford

Nightly Rentals: Three issues need to be addressed. Number 1, people are out of compliance with HLE Protective Covenants and Gallatin County Zoning regulations. The county regulations are more stringent so they override HLE's. Number 2, future vision of what we want for our neighborhood. Number 3, HLE OA board or homeowner to address the county. Per County regulations any employee working on premise of a rental property need to be a relation to the family renting home out.

We'd like a legal interpretation of YV regarding timeshares, condos. How can they legally operate? Do they have special nightly status as a condo owner? Board members will collect these questions and send them to attorney, in advance, with copies of By-laws and Covenants included before meeting with him.

Covenant revisions: The board will arrange a day to sit down and organize all amendments and condense down to one single file for our attorney. Plan is to work on one covenant at a time with rental issue first and foremost. We'll then follow with various comments already given to board by members and go forward from there. Any and all amendments will have to be voted upon by association members with 75% or greater for approval.

Fire Station update: Robinson's not in audience as anticipated. Questions are, 1. Who is going to pay for building, maintenance, installation of pumps, etc. Where is our water source? Pump #2. It is our only back up supply. Per Ann Sexton, the fire department is aware of this. Karrie will call WSD to inquire their knowledge of this since it's WSD water/issue.

Edith Ford inquires about weeds. Per Ann S., subdivision needs 2 sprayings. One spray now for early weeds and second spraying for toadflax in late summer. Possible idea for future newsletter would be a color photo of weeds, helpful removal hints and can pick up brochure at the forest service.

Morrison and Mierlie completing budget. Board would like a representative to visit subdivision and tell us what needs to be done to keep our roads better maintained. Greg Johnson says best to wait for next grading until after predicted rain storm. He'll then do one more go around then we'll have the dust abatement done. Abatement is now included in our taxes.

Regarding County, Guza and HLE Board when amount of what homeowners will have to pay for new system is disclosed we are to notify Guza. We need to show our financial loss. If we move forward with any decision, it will need to be put to the HLE Association members first.

Ann requests update regarding new attorney. Due to conflict of interest with an association member, we felt it in the best interest of community to retain a new firm. This wasn't included in spring newsletter due to the decision and choice of firm hadn't been made completely.

No further comments.

Meeting adjourned 7:15 p.m.



OA BOARD Mtg

5/11/2010

including short term rentals LEGAL OPINIONS  
HLE OA BOARD OF DIRECTORS MONTHLY MEETING  
MAY 2010

Covenant violations  
Dumpster cost est

Kelly Inn  
5:10 p.m.  
May 11<sup>th</sup>, 2010

HLE Board members in attendance:

Vonda Laird  
Bill McNutt  
Karrie Taggart  
Jeff Schoenhard

Absentee board member:  
Ann Sexton

HLE association members in attendance:

Dave and Debbie Robinson  
Dave Neick

REVIEW MARCH MINUTES: April meeting cancelled due to illness, bad weather conditions from Bozeman and one member out of town. Issues are being done via email and phone for April. The review of March minutes was waived due to being incomplete at this time.

ANNUAL MEETING DATE: Annual meeting date was set for Sept. 16<sup>th</sup>, 2010. Members to be notified via May spring newsletter. It will be a potluck BBQ at the neighbors. We reserved the Chamber of Commerce meeting hall in case of inclement weather.

ANNUAL DUES: Annual Dues. Due to unforeseen complications, and upon Bill's verbal agreement, treasurer position has been transferred to Bill from Vonda. He'll start working on annual dues invoices ASAP.

COVENANT VIOLATIONS AND DUMPSTER FOR SPRING CLEANING: Letters to be sent out to members in violation of various covenants. Board agrees to temporarily rent a 30 yd. dumpster for subdivision spring clean up. Time duration for 2 weeks. Dave and Debbie Robinson volunteered the Yellowstone Village Maintenance yard for dumpster and trash drop-off point. Karrie will call to set-up.

Covenant violations:

Dave Neick: garbage, LPG coverage, and house chinking incomplete, nightly rental/running a business.

Dave Grewing: LPG coverage, construction debris, and basketball hoop.

Humphries: LPG, nightly rental/running a business.

Rodcay/Heames: LPG coverage

Mills: construction debris, LPG coverage.

Finney's: garbage

K.C. Tanner: construction debris and deck in disrepair.

Unger's: nightly rental/running a business.

**ATTORNEY CHANGES:** Due to past, present and possible future conflict of interest with a HLE Owners' Association member, the Board has unanimously agree to go with a new law firm. Referrals and names of 3 attorney's were given. Karrie to call them for information/interview. Vonda will inquire with other att'ys their thoughts on these individuals.

**DAVID & DEBBIE ROBINSON TO ADDRESS BOARD:** Robinson's here on behalf of nightly rentals and their business. David states our attorney should have known about 3 different land laws. 1. Laches. This is a part of state law. 2. Prescriptive easements. 3. Adverse possession. According to David if OA Board doesn't approach members in violation of conducting business, i.e., nightly rentals, within a 5-year period, it can be considered "hostile" and covenants may not be enforceable per Montana law. Board members will confer with legal counsel.

**NIGHTLY RENTALS:** Robinson's require 3-night minimum. They are managing and maintaining the Unger and Humphries residences. Dave Neick has no minimum stay but prefers 7-30 days. He manages these himself. Mountain Homes in Bozeman is managing Mary Jo Bennett's place.

**MISCELLANEOUS:**

**Road ownership** - Vonda inquired with M&M. Public use has 2 standard means of control - RID and fund maintained by OA. Yellowstone Basin Properties versus Gallatin County lawsuit YBP paid county to buy lots. 1991 judge favored YBP.

**Web site** - Per Jason Pond, domain name available. Five year contract \$12.00 annually. We need web designer. Vonda looking to daughter-in-law to help us get basic site established.

**Fire Station** - Robinson's in beginning talking stages with WYS Fire Department about placing a fire station within the donated confines of YV maintenance yard.

**Road grading** - Jeff to talk with Greg Johnson.

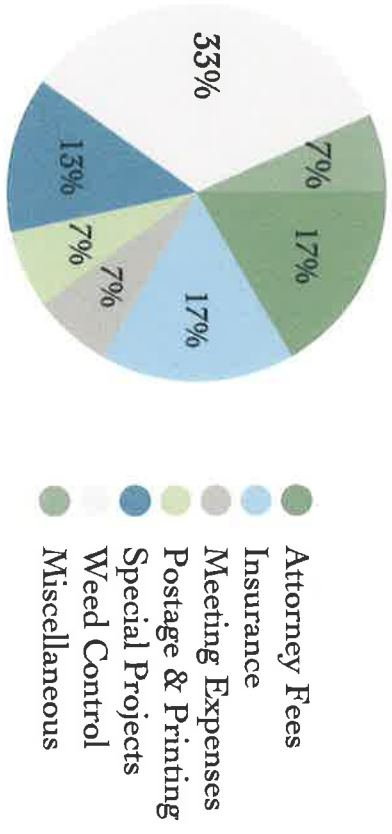
Meeting adjourned 7:45 p.m.

2010

OA Budget

# HLE OWNERS ANNUAL BUDGET: 2010

Expenditure by Category



EXPENSE CATEGORIES

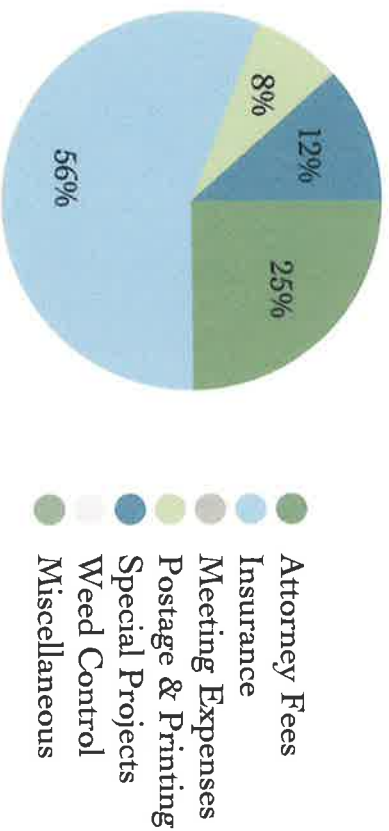
Category	Amount
Attorney Fees	\$ 1,250.00
Insurance	\$ 1,250.00
Meeting Expenses	\$ 500.00
Postage & Printing	\$ 500.00
Special Projects	\$ 1,000.00
Weed Control	\$ 2,500.00
Miscellaneous	\$ 500.00
<b>Total</b>	<b>\$ 7,500.00</b>

## INCOME & EXPENSE

Type	Category	Amount
Income	Owner Dues	\$ 10,500.00
Expenses	Attorney Fees	\$ 1,250.00
	Insurance	\$ 1,250.00
	Meeting Expenses	\$ 500.00
	Postage & Printing	\$ 500.00
	Special Projects	\$ 1,000.00
	Weed Control	\$ 2,500.00
	Miscellaneous	\$ 500.00
Balance	Savings	\$ 3,000.00

# HLE OWNERS CHECKING ACCOUNT

Expenditure by Category



ACCOUNT CATEGORIES

Category	Amount
Attorney Fees	\$ (856.92)
Insurance	\$ (1,930.00)
Meeting Expenses	\$ 0.00
Postage & Printing	\$ (260.61)
Special Projects	\$ (400.00)
Weed Control	\$ 0.00
Miscellaneous	\$ 0.00
Total	\$ (3,447.53)

## TRANSACTIONS

Type	Date	Description	Category	Beginning Balance	Amount	Balance
1110	1/27/10	Karrie Taggart	Postage & Printing	\$	(59.00)	\$ 8,813.21
1111	2/6/10	Philadelphia Insurance Co	Insurance	\$	(520.00)	\$ 8,293.21
1112	2/6/10	Quick Print	Postage & Printing	\$	(21.80)	\$ 8,271.41
DEP	2/10/10	Owner Dues	Deposit	\$	2,250.00	\$ 10,521.41
1113	2/24/10	Philadelphia Insurance Co	Insurance	\$	(705.00)	\$ 9,816.41
1114	5/18/10	Philadelphia Insurance Co	Insurance	\$	(705.00)	\$ 9,111.41
1115	5/20/10	Berg, Lilly & Tollefsen	Attorney Fees	\$	(821.92)	\$ 8,289.49
DEP	5/20/10	Owner Dues	Deposit	\$	325.00	\$ 8,614.49
1116	5/27/10	USPS	Postage & Printing	\$	(52.80)	\$ 8,561.69
1117	6/3/10	Edward J Guza	Attorney Fees	\$	(35.00)	\$ 8,526.69

			Beginning Balance	Balance	\$8,872.21
Type	Date	Description	Category	Amount	
DEP	6/7/10	Owner Dues	Deposit	\$ 675.00	\$ 9,201.69
1118	6/8/10	Allied Waste Services (Deposit)	Special Projects	\$ (400.00)	\$ 8,801.69
1119	6/10/10	Quick Print	Postage & Printing	\$ (58.65)	\$ 8,743.04
DEP	6/11/10	Owner Dues	Deposit	\$ 600.00	\$ 9,343.04
1120	6/15/10	William G McNutt	Postage & Printing	\$ (11.36)	\$ 9,331.68
DEP	6/22/10	Owner Dues	Deposit	\$ 1,125.00	\$ 10,456.68
1121	6/22/10	Jeff Schoenhard	Postage & Printing	\$ (17.00)	\$ 10,439.68
DEP	6/29/10	Owner Dues	Deposit	\$ 525.00	\$ 10,964.68
1122	7/2/10	Karrie Taggart	Postage & Printing	\$ (40.00)	\$ 10,924.68
DEP	7/8/10	Owner Dues	Deposit	\$ 675.00	\$ 11,599.68
DEP	7/8/10	Insurance Refund	Deposit	\$ 705.00	\$ 12,304.68

OA BOARD

3/11/2010

MARCH 11<sup>TH</sup>, 2010

## Research short term rentals

These notes are follow-up notes regarding April, 2010 Board of Directors request for legal clarification by Winston Marosek of covenant violations.

- Winston has stated that home rentals on a nightly basis are in direct violation of the HLE OA Protective Covenants. We are obligated to enforce these covenants.
- Board has legal power.
- Insurance would be required from them <sup>renters</sup> to cover more liability.
- No rentals less than 30 days. HL county zoning permits rentals greater than 31 days, no more.
- We are our own district. Both ours and county's regulations are enforceable. The more stringent of the two will supersede.
- No manufacturing of products on premises.
- Although contracted through a "property manager", any future claims (lawsuit) could include OA Board, homeowners, property management team, neighbors, etc.
- We'd need to know who operates property, i.e., property management versus home owner. Who keeps it maintained? Among many other items, we would need to clarify and define in new amendment
- HLE OA Board has responsibility to help maintain natural settings and make best decision for the whole of the community.
- No bed or breakfast inns.
- No walk-in customers.
- Lots sold for single/multi-family use; amended plat shows duplex lots and 1 commercial lot.
- Consider long-term rentals such as Leafy's have done.  
Hebgen Lake Zoning regulations can be found at [www.gallatin.mt.gov](http://www.gallatin.mt.gov). Hit planning department key. Then press zoning regulations.

Karrie will take this information to the next board meeting. Options will be discussed as to what our next move will be.



legality of  
short term rental  
Dumpster cost est

4/30/2010

YAHOO! MAIL  
Classic

att'y info and dumpster prices

Friday, April 30, 2010 3:35 PM

From: "karrie taggart" <karrietaggart@yahoo.com>

To: "Vonda Laird" <vlaird@jvrestaurant.com>, "Jeff Schoenhard" <jschoenhard@kellyinns.com>, "William Bill McNutt" <wgmcnutt@wildblue.net>

Cc: "Ann Sexton" <asexton@netscape.com>, "Karrie Taggart" <karrietaggart@yahoo.com>

Hi All,

I've talked with both Jeni Reece of Moore, McConnell & Refling and Brian Gallik of Goetz, Gallik & Baldwin law firms. Here's what I've learned.

They both have experience in homeowner associations. Both are presently working with other OA's in regards to easements, covenant revisions and interpretations, etc. When I asked Brian questions about zoning, he was hard to follow due to his extensive legal lingo so I was still confused. He took more time with me and asked a few more questions. Good thing he wasn't charging us.

As partner, Brian charges \$250 per hour with associates doing the research end of things. His associates charge \$150-175 hourly. Jeni, an associate in her firm, charges \$150. Brian doesn't require a retainer. Jeni would check with Berg, Lilly to confirm we do, indeed, pay our bills then she'd be willing to work without a retainer, also. She would require the names of owners' in question of rentals so she could do a conflict check to make sure they don't represent one of them already, like Lewis, before moving forward.

Brian knew a little history of Hebgen Lake Estates. Jeni didn't know much but mentioned that Winston could fill in the blanks, if necessary. Now that I think about it, what about Ed Guza? I can call him on Monday.

Anyway, homeowner's who are going forward with rentals, it only puts them in an awkward spot if they have to cease and desist with rentals and reimburse their customers. But at least we're getting started and we'll see.

Also, at our last meeting we talked about possibly renting a dumpster for a neighborhood spring cleaning. I called Allied Waste and here's their prices:

For the large construction size dumpsters (30 yard) they charge \$96 to place, \$140 to pick up, \$126 to dump, \$2.10 per day or \$63 for a monthly fee. There is a surcharge of 2% on delivery and hauling. For the regular business size (4 yd) temporarily, it's \$75 delivery, \$100 per dump and \$39 monthly, which comes out to be roughly \$1.30 per day. If we wanted a dumpster long-term, their charge is \$204 per month with once a week service.

So that's it in a big nutshell. Looking forward to hearing back from you all.

Take care....

Karrie

April OA 4/10  
communication  
in the stead  
of cancelled  
board meeting

**HEBGEN LAKE ESTATES OWNERS' ASSOCIATION  
SPRING 2010 NEWSLETTER**

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Dear Friends,

In an effort to utilize the newsletter more effectively and to its fullest potential, this issue was delayed until more details were collected and confirmed. We appreciate your patience. On behalf of the Hebgen Lake Estates Owners' Association (OA), the following is what your Board of Directors has been working on.

**NIGHTLY RENTALS**

It has been brought to the attention of the HLE OA Board of Directors that there are a number of homeowners who have recently begun renting out their homes on a nightly basis. This is in direct violation of Protective Covenant #1, Use.

Subsection #3 states, "No business may be conducted on a residential lot. Should an owner be in the construction business, construction equipment may not be parked on that owner's property. It is the purpose of this covenant to keep the area in its natural appearance. It is not the purpose of the covenant to prohibit an owner from conducting business over the telephone or FAX machine."

The Hebgen Lake County Zoning regulation section 6.70 defines a short-term rental as, "Rental of a dwelling for a period of less than 30 days". Short-term rentals are prohibited in all residential districts located within the Zoning District. Short-term rental of less than 30 days would constitute a violation of the Hebgen Lake Zoning Regulation.

Pursuant to ARM 37.111.105-106, MCA 50-51-201(1), the Gallatin City-County Health Department inspects and licenses public accommodations, including a Tourist Home. The Health Department would inspect and license homes being rented out for periods of 7 days or less. However, the Health Department would be unable to approve a public accommodation license in conflict with the Hebgen Lake Zoning Regulation, which prohibit rentals of less than 30 days. We understand that the economy could possibly be the force behind the decision to rent out. However, please keep in mind that by signing on the dotted line, we all agreed to abide by the covenants when we purchased our properties. We hope those who are participating, and those thinking about it will re-evaluate your position and seek other solutions. In the meantime, the OA Board of Directors has a legal obligation to uphold and maintain these covenants on behalf of its members. We will continue to work on this issue.

**TREASURER POSITION TRANSFERRED**

Due to unforeseen complications, Bill McNutt has agreed to take over the Treasurer position from Vonda Laird. Notices for annual dues will be forthcoming. We apologize for their delay. If you have any questions, Bill's contact information can be found on page 3. And, just as a reminder, annual dues are \$75.00.

**DUST ABATEMENT/ROAD MAINTENANCE**

We want to continue implementing the dust abatement program. We're in the process of coordinating road grading in tandem with the spraying of the road for more effective results. We'll get it done as soon as possible. Please drive carefully.



## BOARD VACANCY

Jeff Schoenhard agreed to act as temporary President for 6 months, not to exceed one year, before retiring from the Board permanently. He has served a number of years well beyond his original term and since his time is just about up we need another member. Candidates don't need to run for this specific position. Instead, once the new member is selected, the board members will divide the responsibility up among themselves. Terms are for 3 years and summer residents are encouraged to volunteer.

## BITS AND PIECES

In our last newsletter, we mentioned that the Yellowstone Ranch Preserve, just south of us, had been working on a conservation easement for a portion of the property. On May 31<sup>st</sup>, 2010, this became a reality. Its management is now under the direction of the Gallatin Valley Land Trust. This conservation is *key* to maintaining the priceless habitat it is for the wildlife that inhabit the butte, such as moose, bear, bison, eagles, trumpeter swans, sandhill cranes, elk, wolves, coyotes, and fox just to name a few. The list goes on. We want to thank the Galanis family for all their hard work and passion in making a sustainable, thriving environment come to life for everyone to enjoy for generations to come.

Over the past two months, residents have had the distinct honor to watch as hundreds of cow and bull bison migrate from Yellowstone National Park to Horse Butte. On any given day, we've been granted the opportunity to watch as hundreds of these magnificent animals forage for food, sleep, wallow and wander, give birth, and teach their young. However docile they may seem though, these animals are extremely wild and unpredictable! Please keep your distance and **DO NOT APPROACH THEM!**

The West Yellowstone Fire Department and the Yellowstone Village Timeshare management team began talks recently about possibly building a fire station in the established area of their maintenance yard. Mind you, this is still in the beginning stages of conversation, but we will keep you updated as information rolls in.

It's that time of year again. **BE BEAR AWARE!!** We live in wild country. Montana Fish, Wildlife and Parks want you to know the penalty for leaving attractants outside such as birdseed and feeders, domestic pet food, dirty BBQ grills, fishing gear and bait, coolers, etc. that cause wildlife to investigate or congregate unnaturally can be up to \$1,000.00. Offenders can lose their hunting, trapping and fishing privileges. If you have anything lying about, please, pick it up and dispose of it properly.

We hope to see you all in September. In the meantime, please don't hesitate to contact any board member with questions you may have.

Sincerely,  
Your HLE Owners' Association Board of Directors

Jeff Schoenhard - President	(406) 646-7768	<a href="mailto:jschoenhard@kellyinns.com">jschoenhard@kellyinns.com</a>
Ann Sexton - Vice President	(406) 646-7516	<a href="mailto:asexton@netscape.com">asexton@netscape.com</a>
William McNutt - Treasurer	(406) 646-1085	<a href="mailto:wgmcnutt@wildblue.net">wgmcnutt@wildblue.net</a>
Karrie Taggart - Secretary	(406) 646-5140	<a href="mailto:karrietaggart@yahoo.com">karrietaggart@yahoo.com</a>
Vonda Laird - Bzmn.Liaison	(406) 586-7303	<a href="mailto:vlaird@jvrestaurant.com">vlaird@jvrestaurant.com</a>

OA Board Mtg

*Handwritten signature*

5/11/2010

HLE OA BOARD OF DIRECTORS MONTHLY MEETING  
MAY 2010

Kelly Inn  
5:10 p.m.  
May 11<sup>th</sup>, 2010

HLE Board members in attendance:

Vonda Laird  
Bill McNutt  
Karrie Taggart  
Jeff Schoenhard

Absentee board member:

Ann Sexton

HLE association members in attendance:

Dave and Debbie Robinson  
Dave Neick

REVIEW MARCH MINUTES: April meeting cancelled due to illness, bad weather conditions from Bozeman and one member out of town. Issues are being done via email and phone for April. The review of March minutes was waived due to being incomplete at this time.

ANNUAL MEETING DATE: Annual meeting date was set for Sept. 16<sup>th</sup>, 2010. Members to be notified via May spring newsletter. It will be a potluck BBQ at the neighbors. We reserved the Chamber of Commerce meeting hall in case of inclement weather.

ANNUAL DUES: Annual Dues. Due to unforeseen complications, and upon Bill's verbal agreement, treasurer position has been transferred to Bill from Vonda. He'll start working on annual dues invoices ASAP.

COVENANT VIOLATIONS AND DUMPSTER FOR SPRING CLEANING: Letters to be sent out to members in violation of various covenants. Board agrees to temporarily rent a 30 yd. dumpster for subdivision spring clean up. Time duration for 2 weeks. Dave and Debbie Robinson volunteered the Yellowstone Village Maintenance yard for dumpster and trash drop-off point. Karrie will call to set-up.

Covenant violations:

Dave Neick: garbage, LPG coverage, and house chinking incomplete, nightly rental/running s business.

Dave Grewing: LPG coverage, construction debris, and basketball hoop.

Humphries: LPG, nightly rental/running a business.

Rodcay/Heames: LPG coverage

Mills: construction debris, LPG coverage.

Finney's: garbage

K.C. Tanner: construction debris and deck in disrepair.

Unger's: nightly rental/running a business.

**ATTORNEY CHANGES:** Due to past, present and possible future conflict of interest with a HLE Owners' Association member, the Board has unanimously agree to go with a new law firm. Referrals and names of 3 attorney's were given. Karrie to call them for information/interview. Vonda will inquire with other att'ys their thoughts on these individuals.

**DAVID & DEBBIE ROBINSON TO ADDRESS BOARD;** Robinson's here on behalf of nightly rentals and their business. David states our attorney should have known about 3 different land laws. 1. Laches. This is a part of state law. 2. Prescriptive easements. 3. Adverse possession. According to David if OA Board doesn't approach members in violation of conducting business, i.e., nightly rentals, within a 5-year period, it can be considered "hostile" and covenants may not be enforceable per Montana law. Board members will confer with legal counsel.

**NIGHTLY RENTALS:** Robinson's require 3-night minimum. They are managing and maintaining the Unger and Humphries residences. Dave Neick has no minimum stay but prefers 7-30 days. He manages these himself. Mountain Homes in Bozeman is managing Mary Jo Bennett's place.

**MISCELLANEOUS:**

Road ownership - Vonda inquired with M&M. Public use has 2 standard means of control - RID and fund maintained by OA. Yellowstone Basin Properties versus Gallatin County lawsuit YBP paid county to buy lots. 1991 judge favored YBP.

Web site - Per Jason Pond, domain name available. Five year contract \$12.00 annually. We need web designer. Vonda looking to daughter-in-law to help us get basic site established.

Fire Station - Robinson's in beginning talking stages with WYS Fire Department about placing a fire station within the donated confines of YV maintenance yard.

Road grading - Jeff to talk with Greg Johnson.

Meeting adjourned 7:45 p.m.

Notes on regulations  
re - short term rentals  
in HLE + County zoning and Health Dept  
regs

5/9/2010



nightly rentals/Robinson's

Sunday, May 9, 2010 2:31 PM

From: "karrie taggart" <karrietaggart@yahoo.com>  
To: "Vonda Laird" <vlaird@jvrestaurant.com>, "Jeff Schoenhard" <jschoenhard@kellyinns.com>, "William Bill McNutt" <wgmcnutt@wildblue.net>  
Cc: "Ann Sexton" <asexton@netscape.com>  
2 Files (43KB)



MAY '10 ... Ron and ...

All,

The Robinson's asked to be put on our agenda for Tuesday. Dave wants to give the board some information he learned while in realtor school that they feel "could help us help them with the covenants". Interesting choice of words since we haven't specifically told them we were for or against this in the first place. It's manipulative on their part and I don't like it.

After talking with Amy Waring, I wanted to give you a heads up on what I've learned before Tuesday's meeting.

According to Amy:

1. It's the County Attorney who picks and chooses cases. Zoning violations aren't on the top of his list of priorities. Violations like these are unlikely to be prosecuted, unless more people apply pressure on them, I don't know.
2. Since so many are doing this, it's too difficult to enforce so the County wants short-term rentals law amended. Lewis probably already knows this. It still goes against our covenants until those are/are not changed.
3. The State requires licensure by the County sanitarian. I placed a call to Sean Hill's office, but I have yet to receive a call back. I've pasted the info. Amy sent me below:

#### Hebgen Lake Zoning Regulation

Residential Renting is a permitted use in the residential districts in the Hebgen Lake Zoning District, including Hebgen Lake Estates. Section 6.64 defines Residential Renting as:

Long-term renting (30 days or longer) of a dwelling unit to one and the same family for the entire rental period, consistent with State of Montana inspection requirements.

Section 6.70 defines a Short-Term Rental as, "Rental of a dwelling for a period of less than 30 days." Short-term rentals are prohibited in all residential districts located within the Zoning District. Short-term rental of less than 30 days would constitute a violation of the Hebgen Lake Zoning Regulation.

A text amendment would be the appropriate course of action if people would like to amend the regulation to allow short term rentals. The text amendment process includes a public hearing for people to comment on proposed changes to the regulation.

#### Public Accommodations

Pursuant to ARM 37.111.105-106, MCA50-51-102(11), and MCA 50-51-201(1), the Gallatin City-County Health Department inspects and licenses public accommodations, including a Tourist Home defined as:

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. MCA 50-51-102(11).

The Health Department would inspect and license homes being rented out for periods of 7 days or less. However, the Health Department would be unable to approve a public accommodations license in conflict with the Hebgen Lake Zoning Regulation, which prohibit rentals of less than 30 days.

END-

It seems to me that until someone amends present regulations, Gallatin County is probably counting on Homeowner Association attorneys to do the work for them, but I could be wrong.

On another note, I've attached a copy of Tuesdays agenda. I can change the order of items, just tell me. I've also attached an example letter I've written up for those who are in violation of other covenants. Will you take a look at them and give me your opinions, please?

Well, that's it. I guess I'll see you on Tuesday, the 11th, at 5:00 at the Kelly Inn. If place changes, let me know and I'll place it on the bulletin board at the post office.

Thanks.....

Karrie

short term rental information.

Tuesday, May 4, 2010 10:12 AM

From: "Waring, Amy" &lt;Amy.Waring@gallatin.mt.gov&gt;

To: karrietaqqart@yahoo.com

Karrie,

As you have requested, here is some information concerning zoning and other applicable regulations concerning short term rentals in the Hebgen Lake Zoning District.

Amy Waring, CFM  
Gallatin County Code Compliance Specialist  
311 W. Main Street, Room 108  
Bozeman, MT 59715  
amy.waring@gallatin.mt.gov  
406-582-3775  
406-582-3776 (fax)

American Association of Code Enforcement (AACE) Certified Zoning Enforcement Officer  
Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager

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conflict with the Hebgen Lake Zoning Regulation, which prohibit rentals of less than 30 days.

OA BOARD contact with new  
lawyer

4/30/2010

April 30<sup>th</sup>, 2010

The following is a condensed version of a phone conversation between Karrie Taggart, HLE OA Board of Directors Secretary, and Winston Marosek of Berg, Lilly law firm.

The OA board had questions regarding nightly rentals that we feel are in violation of our Protective Covenant #1 Use. Protective covenant 1, #3 states, No business may be conducted on a residential lot. Should an owner be in the construction business, construction equipment may not be parked on that owner's property. It is the purpose of this covenant to keep the area in its natural appearance. It is not the purpose of the covenant to prohibit an owner from conducting business over the telephone or FAX machine.

<sup>OA lawyer</sup>  
We asked Winston to research original covenants and all amendments. She'll inquire if Yellowstone Village timeshares are included with aforementioned covenant. She'll investigate whether original covenants supersede present ones. She'll view research from the renter's and Owner Associations perspective.

Karrie Taggart  
HLE OWNER ASSOC.  
BOARD OF DIRECTORS,  
SECRETARY



**MARCH 2010 HLE BOARD AGENDA**

I. Gravel - Vonda

II. By-laws - Karrie needs initial questions we had for Winston.

III. WSD update - Jeff and Karrie

VI. Interior roads - Karrie

V. Nightly rentals - Karrie

VI. New Business

VII. General Discussion

Adjourn

YAHOO! MAIL  
ClassicShort term rental  
@ David Neick

3/11/2010

Re: a past amendment to an HLE covenant?

Thursday, March 11, 2010 1:24 PM

From: "LSleeperR@aol.com" &lt;LSleeperR@aol.com&gt;

To: karrietaggart@yahoo.com

Karrie:

I've racked my brain to see where I may have made a statement like that to Mr. Neick, but I'm unable to specifically recall doing so at this point in time. The covenants have been amended and changed so many times by different parties other than me that I don't exactly know what they presently contain.

Nevertheless, it has been my long standing position that while commercial uses of property at Hebgen Lake Estate are very much restricted, there has never been any provision that I'm aware of which restricts a home or condo owner from renting their improved residential property, either short or long term. In fact I feel so strongly about that inherent right that I would legally challenge anyone trying to assert otherwise.

That being said, it is my understanding that the genesis of the problem with Mr. Neick revolves around his unwillingness to keep the properties he does own in acceptable shape relative to the covenants as it concerns parking, plowing and related matters. The covenants, and specifically the Architectural Committee guidelines, contain powers which give the Committee and the Board the ability to very quickly rectify any unacceptable situation. In other words, they have teeth. You just have to use them, and I would encourage you to do so.

Sincerely,

**Lewis S. Robinson, III**  
President/Owner  
Key Allegro Properties, LLC  
4 Malibu Ln  
Rockport, TX 78382  
Cell: 361-739-8568  
Fax: 361-727-1113  
E-mail: [LSleeperR@aol.com](mailto:LSleeperR@aol.com)  
[www.keyallegrosales.com](http://www.keyallegrosales.com)

In a message dated 3/8/2010 10:16:16 P.M. Central Standard Time, [karrietaggart@yahoo.com](mailto:karrietaggart@yahoo.com) writes:

**Mr. Robinson,**

As a member of the HLE board of directors, I've volunteered to look into a specific issue that has been brought before the board by a number of association members. The topic of interest is a HLE homeowner and resident by the name of William David (Dave) Neick.

According to Mr. Neick, while you were still majority property owner you agreed to amend a HLE covenant that restricts any business being conducted on a residential lot, thus granting him permission to rent his homes as vacation rentals, on a nightly basis. His specific words to me were, "Lewis Robinson okayed it. I'm grandfathered in".

In order to clarify for the board and association members is this, indeed, correct? Is there anything written up regarding this transaction?

Thank you in advance for responding at your earliest convenience. I hope you have a great day.

Sincerely,

No answer.  
Where is the signed document?

**Karrie Taggart**  
**Secretary, HLE Board of Directors**

---

QA Board Mtg.

2/9/2010

Notes from legal representative re

short term rentals  
and any business

**HLE OA BOARD OF DIRECTORS MONTHLY MEETING  
KELLY INN, WEST YELLOWSTONE  
FEBRUARY 9<sup>TH</sup>, 2010**

in-home

Meeting commenced at 5:10 p.m.

In attendance:

Bill McNutt

Vonda Laird

Jeff Schoenhard

Karrie Taggart

Absent:

Ann Sexton

January 2010 meeting minutes reviewed, all in favor. Karrie makes a motion to approve minutes, Bill seconds the motion.

1. Vonda gives breakdown of Morris and Maierle (M/M) accounting. Liens and 2009 budget reviewed. Annual expenses are about \$10,000. Association pays M/M \$250.00 monthly for administrative charges, oversight of maintenance, and misc. Yearly fiscal budget reviewed by M/M in Feb/Mar. with approval by Gallatin County in August. We have contracts with Bill Arnado of War Wagon Services and Greg Johnson of Buffalo Services. Questions regarding amount of gravel and price. Vonda will notify M/M that gravel is to be placed in specific sections, not the whole subdivision.
2. Website domain name. Jason Pond, Grizzly Internet Services, states that once a website expires there is a 30 day grace period before creating a new one. He'll waive the \$30 host sight fee. Host registration is \$12 per year. Additions/upgrades can run anywhere from \$10 to \$20 per item. Board grants permission for registration to begin.
3. By-Law board questions. No updates as of yet.
4. WSD update by Bill. The WSD board looking at 3 options: Lagoon rehab, system for full build-out, and Advantex. Possible DEQ rule changes regarding cold weather ponds may be up-coming.
5. New business:
  - We received a letter from attorneys stating HLE interior subdivision roads were dedicated to the public use forever per an amended plat in 1988. As stated in said plat, "The roadways dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining same. The Owner agrees that the county has no obligation to maintain the roads hereby dedicated to public use". Dated July 6<sup>th</sup>, 1993. We'll inquire for more detail.
  - Pam W. written inquiry about nightly home rentals and winter road markings in the subdivision. Karrie will correspond with Winston to get a legal definition on where we stand legally regarding nightly rentals.

General Discussion:

Update Ed Guza re: WSD and wrap up issue with Gallatin County. Collect questions then request conference call. Address updates and neighborhood spring clean-up.

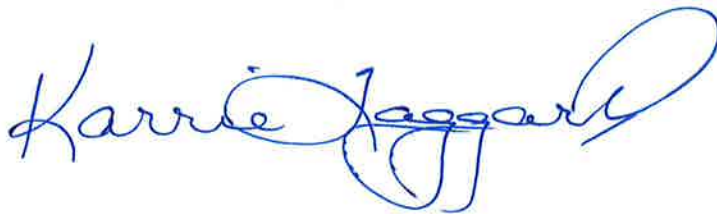
Meeting adjourned at 7:45 p.m.

MARCH 11<sup>TH</sup>, 2010

These notes are follow-up notes regarding April, 2010 Board of Directors request for legal clarification by Winston Marosek of covenant violations.

- Winston has stated that home rentals on a nightly basis are in direct violation of the HLE OA Protective Covenants. We are obligated to enforce these covenants. ← How?
- Board has legal power.
- Insurance would be required from them to cover more liability.
- No rentals less than 30 days. HL county zoning permits rentals greater than 31 days, no more.
- We are our own district. Both ours and county's regulations are enforceable. The more stringent of the two will supersede.
- No manufacturing of products on premises.
- Although contracted through a "property manager", any future claims (lawsuit) could include OA Board, homeowners, property management team, neighbors, etc.
- We'd need to know who operates property, i.e., property management versus home owner. Who keeps it maintained? Among many other items, we would need to clarify and define in new amendment
- HLE OA Board has responsibility to help maintain natural settings and make best decision for the whole of the community.
- No bed or breakfast inns.
- No walk-in customers.
- Lots sold for single/multi-family use; amended plat shows duplex lots and 1 commercial lot.
- Consider long-term rentals such as Lefty's have done.  
Hebgen Lake Zoning regulations can be found at [www.gallatin.mt.gov](http://www.gallatin.mt.gov). Hit planning department key. Then press zoning regulations.

Karrie will take this information to the next board meeting. Options will be discussed as to what our next move will be.



Winston Marosek of Beg, Lilly, Tolleson.



# OA BOARD Meeting

2/2010

## HLE OA BOARD MEETING FEBRUARY 2010

~~Agenda~~  
FEB. 9 5:10 Adjourned 7:45  
ABSENT: Ann Sexton

### Approval of minutes ALL IN FAVOR

- Vonda*
- I. Morris and Maierle accounting breakdown - Vonda review budget of 2009  
~~Fixed exp.~~ ~~WARWAGON CONTRACT~~  
~~HP copy given~~ ~~BUFFALO SERVICES CONTRACT~~  
~~mem #250 monthly oversee maint admin. charges~~
- Vonda*
- II. Position of HLE website domain name - Vonda  
~~Jason Pond 30 day grace period before taking on website~~  
~~regist.~~ ~~12:00 P/Y~~  
~~host sight waive 30 hosting fee upgraded to 20 per item~~  
~~host sight~~ ~~Vonda gave go ahead to register~~
- III. Possible By-laws update

- Vonda*
- IV. HLE County WSD report/update - Bill  
~~covered 3 options~~ ~~new DEP rules re: cold weather~~  
~~build out -~~ ~~new pump system & rehab (pl new) ponds~~  
~~rehab. update lagoon~~ ~~least require to have system done to~~  
~~adventix system~~ ~~full build out for system design~~  
~~DEP requires seasonal use~~
- V. New Business:  
 Interior Subdivision Roads - Karrie

- Karrie roads*
- Karrie business or property*
- VI. General Discussion  
~~inquire a Winston Karrie~~  
~~legal interp first~~  
~~rentals~~  
~~address~~  
~~PO key~~  
~~neighborhood~~  
~~spring clean-up (table for newsletter (also if board approval for dumpster rental))~~
- Adjournment

- I. (cont.) ~~pam W. comment to mem marking of roads during snowfall~~  
~~rentals - what's the status?~~

reviewed financial status per Jeff S.

~~liens~~

~~Gene C. still owes abt 1/2~~

~~Reviewed~~  
 Expenses annually  
 abt. 10,000

insur. 500  
~~road~~  
~~board~~

240  
 140  
 75  
 1000  
 7500  
 10500

## HLE OA BOARD MEETING AGENDA JANUARY 2010

- I. Review Dec. '09 monthly board meeting minutes
- II. Vonda- conversations with Morris/Meirlie regarding specific contact person, budget meeting dates, etc. and Winston Marosek regarding by-law modification questions.
- III. Karrie- County Commission contact person
- IV. Board recruitment

New order of business  
General Discussion  
Adjournment

1/27 Jason Pond - Grizzly Internet 646-7006  
Website Domain purchased by Ed Millsbaugh / Owner-Controller  
Jason can host new website  
Registration \$12<sup>00</sup>/yr  
Waive \$30/mo hosting fee - 0 -  
Will request costs if server fails (currently 6 customers  
on this program)  
Will update \$10<sup>00</sup> to \$20<sup>00</sup>/time  
\* Pick Domain available  
Network solutions (Registration - open domain names)



OA BOARD Mtg.

1/12/2010

January 12, 2010 HLE OA Board of Directors Meeting

6:00 P.M. Clubhouse Inn, W. Yellowstone

Attendance: Jeff Schoenhard  
Bill McNutt  
Vonda Laird

Absent: Karrie Taggart  
Ann Sexton

Meeting called to order by President, Jeff Schoenhard. Vonda moved to approve the December minutes. Bill second and motion passed.

Vonda gave a report on her meeting with James Nickelson, Morrison-Maie, Inc. James will be sending an update on current RID Status and available funds. He advised that budgets for the next fiscal year are looked at in February and March with final presentation of the budget in June for an August approval by county commission. In the past it has been history information used for the budget.

Discussion on snowplowing and drifting problem on the lower level of the loop. This is dictated by funds available on contract with War Wagon Services. Bill will seek input from War Wagon on solutions/ideas.

Jeff gave the treasurer's report. As of November 30, 2009 we had \$11,919.43 balance. Two (2) properties changed ownership.

Vonda reports that she has had contact with Grizzly Internet and will follow up on ownership of domain name.

Meeting adjourned.

Next meeting scheduled for February 9, 2010 at the Kelly Inn.

Vonda Laird

- check on case # DV89-441 Reference on amended plat (1989)
- County records & Bridges 582-3250

# WSD questions

~~size of bldg.~~

- ~~add some fire prot. enhancem't?~~
- ~~projection of timeframe~~
- ~~odor?~~

## ROADS

~~IF WERE PUBLIC UNDER COUNTY~~

- ~~IS County supposed to help w upkeep/maint~~
- ~~if <sup>we</sup> own RID, why does that make public road~~
- ~~is there <sup>is there</sup> process to A this?~~
- ~~do we have any \$ coming back?~~
- ~~inquire the lawsuit~~

1) on amended plat DV 89-441  
Clerk's office 19th Ave Clerk of Court  
Law/Justice Center

2) County Roads & Bridges office  
ask them about our roads  
582-3250

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