

2018 TERHA Annual Meeting

Friday, November 23, 2018 4:14 PM

From: AF 245

Sent: Friday, November 23, 2018 3:58 PM

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Subject: 2018 TERHA Annual Meeting Minutes

2018 TERHA Annual Meeting Minutes

Tuesday, NOV 6, 7 to 9pm

New Castle Community Center

Order:

1. Courtesy request of permission to record. The 2018 TERHA Annual Meeting on Tuesday, November 6, 2018, will be recorded and posted as per the [Colorado Open Meetings Laws and the Colorado Open Records Act](#)

2. **Roll Call: No Quorum, default to email voting in a separate email.** Tony May Jim Handcock, Landon Anderson, Liane Anderson, Barb Cebula-McCune, Bill Gibson, Chris Manuel, Cindy Obrien, Amy Luetke, Dean Cross, Mary Wareham, Justin Wareham.

3. Opening statement

TEHRA is Not for Profit organization formed by Articles of Incorporation as a 501(c) (4) and (12) corporation in perpetual existence. TERHA is specifically formed under, and not in conflict with, IRS, Federal, and Colorado laws. As recent as 2015, TERHA's Articles of Incorporation and Covenants have been legally reviewed and are in good standing. The State of Colorado courts are committed to firmly stand behind homeowners associations Articles of Incorporation, Covenants and By-laws. [1 & 2, Covenants & 2015 Amendment and By-Laws.](#)

TERHA's annual meetings are held to disclose corporation business and financial records to TERHA's homeowners and provide a forum for discussion topics in a civil and respectful manner. Please respect your neighbors time while they are speaking and yield your comments until after they have finished speaking. If order is called, please respect the timeout to reset thoughts and discourse. Disrespect and uncivil behavior is your choice and is fully respected by the 1st Amendment.

As elected TERHA offices of President, Vice President, Treasurer/Secretary, and ACC by TERHA homeowners, the offices are to conserve the full intention and ideals of the Articles of Incorporation, Covenants and By-Laws, as we all signed legal documents accepting acknowledgement and compliance, with the sole purpose to mitigate risk and protect property values. Article III of TERHA's Articles of Incorporation outlines the specific purposes of our organization which are in place to protect the rights of each and every homeowner.

4. **Motion:** Resolution to adopt: RESOLVE that the Minutes of the TERHA Annual Meeting held on November 14, 2017.

Seconded

All vote – show of hands, majority

5. **Motion:** Resolution to adopt: RESOLVE that the Minutes of the TERHA Annual Treasurer's Report for 2017.

Seconded

All vote – show of hands, majority

6. Roster update pass around. Changes Posted to the [TERHA Roster](#). (Changes Posted)

7. Presentation: Wildfire Mitigation project status for Firewise Community Briefing – Wildland Division Chief, Zach Pigati

Chief Pigati addressed the TERHA fire mitigation project and to talk about the remaining burn piles. The wildland fire district has a grant submitted to buy a chipper will be a resource available to TERHA. The idea is to have homeowners trim their own trees and drag the wood to an accessible location for the Wildland crew to come and chip. Chief Pigati suggested to coordinate amongst the subdivision to allow scheduling.

The TERHA \$300 assessment has not been spent which is \$4,500 in matching funds that have not been spent.

Action: Work with Chief Pigati to see what budget is remaining.

Action: Work with CRFR to write additional grants for TERHA to continue tree thinning projects.



Steps to complete the annual Firewise Community renewal process

1. **Wildfire Risk Assessment** - be updated every five years.
2. **Board/Committee** - review their site's risk reduction priorities.
3. **Action Plan** - reviewed annually by the board/committee and updated at least every three years.
4. **Educational Outreach** - one wildfire risk reduction educational outreach event, or activity annually.
5. **Wildfire Risk Reduction Investment** (Effective January 8, 2018) \$24/Lot
6. **Application** to be completed every year. **Completed November 13, 2018**

8. Financial Report. Justin

The report will consist of a Balance Sheet and a Profit/Loss statement.

Three Elk Run Balance Sheet As of October 29, 2018			Three Elk Run Profit & Loss January 1 through October 29, 2018			
			10/29/18			1/1/18 - 10/29/18
ASSETS				INCOME		
	Current Assets			Investments		
	Checking / Savings			Checking / Savings		
	Alpine Bank		\$16,289.88	Interest Income - Checking		\$1.35
	Total Checking / Savings		\$16,289.88	Total Investments		\$1.35
Accounts Receivable				Maintenance / HOA Fees		\$13,600.00
	Accounts Receivable		\$-	Fire Mitigation		\$-
	Total Accounts Receivable		\$-	Total Income		\$
Accounts Payable				GROSS PROFIT		
	Accounts Payable		\$-	EXPENSE		
	Total Accounts Payable		\$-	Contract Services		
Other Current Assets				Accounting Fees		\$175.00
	Undeposited Funds		\$500.00	CO State Periodic Report		\$10.00
	Total Other Current Assets		\$500.00	DORA Registration		\$20.00
Total Current Assets			\$16,789.88	Total Contract Services		\$
TOTAL ASSETS			\$16,789.88	Other Types of Expenses		
LIABILITIES & EQUITY				Quickbooks for 2018		\$199.95
	Equity			Elk Statue Repair		\$125.00
	Opening Bal Equity		\$15,657.80	Insurance - Liability		\$625.00
	Retained Earnings		\$17,289.88	Total Other Types of Expenses		\$
	Net Income		\$1,132.08	Dust Guard		\$2,222.42
Total Equity			\$16,789.88	Road Grading & Repairs		\$8,799.40
TOTAL LIABILITIES & EQUITY			\$16,789.88	Snow Removal		\$292.50
				Total Road Maintenance		\$
				Total Expense		\$12,469.27
				Net Income		\$1,132.08

9. Road Report. Dean/Tony.

2018 Road Maintenance Costs - Total is right at \$11k (\$11,021.80)

\$8,799.40 Mountain West Contracting. 4 loads of road base, regrade, roll, water.

\$2,222.42 GMCO. 3,100 gallons at .69¢/gal of DustGuard Magnesium Chloride.

Quote delivered on April 10, 2018 from Clint Warfel of Mountain West Contracting LLC. Included: Grading, 4 loads of 3/4" base, compacting, watering the road, with Mag chloride applied the next morning.

Clint completed all work in one day, a 16 hour day on 4/26 and watered again in the morning of the 4/27. GMCO applied the Mag Chloride at 9am.

Noticed the excellent detail of contouring the road to match the driveways (looks easy but it's not), the blending of new material and old (which holds residual mag), the relief of high shoulders to provide better run-off, and the attention to clear the clogged ditches.

Big thanks to Clint for making our road great again!

Post Independent | Saturday, April 28, 2018 | **A23**

ALMANAC

*All temperature and precipitation data valid through 4 p.m. yesterday, and taken from Garfield County Airport, at Rifle.

TEMPERATURE*

Yesterday's high/low	77/35
Average high/low	64/35
Record high	83 in 2000
Record low	20 in 1984

SUNRISE SUNSET

6:15 a.m.	8:01 p.m.	Today
6:14 a.m.	8:02 p.m.	Sunday
6:12 a.m.	8:03 p.m.	Monday

BAROMETRIC PRESSURE

4 P.M. yesterday: 30.14"

PRECIPITATION*

Yesterday's	0.00"
Month to date	1.50"
Year to date	3.71"
Normal Year to date	3.81"

MOONRISE MOONSET

6:48 p.m.	5:52 a.m.	Today
7:50 p.m.	6:24 a.m.	Sunday
8:51 p.m.	6:56 a.m.	Monday

RELATIVE HUMIDITY

Yesterday: High: 67% Low: 11%

MOON PHASES



Post Independent | Tuesday, November 6, 2018 | **A27**

ALMANAC

*All temperature and precipitation data valid through 4 p.m. yesterday, and taken from Garfield County Airport, at Rifle.

TEMPERATURE*

Yesterday's high/low	49/31
Average high/low	59/27
Record high	78 in 1934
Record low	2 in 1933

SUNRISE SUNSET

6:44 a.m.	5:03 p.m.	Today
6:46 a.m.	5:02 p.m.	Wednesday
6:47 a.m.	5:01 p.m.	Thursday

BAROMETRIC PRESSURE

4 P.M. yesterday: 29.99"

PRECIPITATION*

Yesterday's	0.00"
Month to date	0.22"
Year to date	8.97" -2.52"
Normal Year to date	11.49"

MOONRISE MOONSET

5:28 a.m.	4:58 p.m.	Today
6:34 a.m.	5:32 p.m.	Wednesday
7:38 a.m.	6:08 p.m.	Thursday

RELATIVE HUMIDITY

Yesterday: High: 100% Low: 36%

MOON PHASES



10. Snow Removal

As usual, Thad Greene did an excellent job of keeping the roads clear for safer driving conditions last winter, lets hope he would like to continue managing TERHA's snow removal. Total expenditure was \$292.50.

11. Old Business

- Tax returns submitted \$175.
- DORA Registration completed \$20.
- Colorado Secretary of State annual filing completed \$10.
- [2017 Wareham ACC Covenant Violation](#) Resolution of Covenant #8 Temporary Structures
- Reminder of Website for all documentation reference. [TERHA Website](#) at <http://terha.azurewebsites.net>

IS THERE ANY OTHER OLD BUSINESS?

12. New Business

TERHA President Updates

- New Web Page on Azure. Google terminated our site as change in offering free sites. <http://terha.azurewebsites.net>
- Annual Meeting Minutes, Financials, Roster posted on [TERHA Website](#)
- Followed up with Treasurer on Taxes \$175, DORA \$20, SOS \$10, Insurance \$625, Purchased a transferable Quickbooks license for \$199/3yr for the official TERHA accounting system.
- Received Treasurer/Secretary Archive Boxes from Justin in June. Tony organized, added missing documentation, updated USB Stick.
 - Action: Archive needs the 2017 and 2018 bank statements, invoices, and cancelled checks from Justin.

2018 Cost Reduction Initiatives:

- New Insurance provider, State Farm at \$625/yr with yearly savings of \$356/yr!
- Lower Trash rates with VIP at \$20/mo which included Sorenson's. The objective is to reduce heavy vehicle traffic. Mountain West was dropping a lot of glass but it seems like they fixed the hole. All but one homeowner has switched over. There are currently four trucks around the loop instead of two per week.
- Tax break notification on fire mitigation assessment.
- Lower Group Septic Pumping rates with Redi, DownValley, B&R. If interested in a lower rate, send an email out to see if anyone else needs the service. Tony can help reach out to the neighbors at the Cedars as well.

TERHA Civic Initiatives:

- Met with CRFR, Colorado River Fire Rescue, Zach Pigati and Orrin Moon regarding Firewise community initiatives.
- Coordinated fire hydrant testing with CRFR with communications to homeowners.
- Partnered with The Cedars Presidents, Heather and Donnie (great people), on Wildfire Grant writing and Lower Group Septic Pumping rates.
- Updates to homeowners on Firewise Community sponsor updates and monthly letters.
- Elk Repair initiative, TERHA vote for approval and funds allocation (\$125). Tyler and Keith Cloninger did some solid work and made our elk look great again.

- [Road Maintenance email thread](#) touched on technical and gives TERHA a baseline lore on what we should expect in the future.
- Trash can modification letter. Bears and trash pandas will always look for that free meal. Super happy that VIP allows the modifications.
- Met with Garfield County Road and Bridge to request lower road pothole repair and culvert clean out.
- Mountain Lion communication to homeowners with Scott Young (DOW), Brian Grey (APHIS) contact info. Call Brian first if you spot a mountain lion or unwanted bear.
- Bear awareness communication. Followed up with Brian Grey (APHIS).
- GarCo Animal Control Ordinances Facts. No leashes required as long as dogs in unincorporated Garfield County must be within the control of a responsible person. (Verbal or physical).
- Renewed the Firewise membership.

Motions

-Motion: Continue to use Quickbooks as the official TERHA accounting system.
 History: Quickbooks was voted the official accounting method when Sherry took the Secretary/Treasurer 2008, then passed on to Liane. When Justin took the Treasurers office in 2016, he received the Quickbooks digital files from Liane and TERHA approved a Quickbooks license purchase. Justin purchased the license but never implemented and decided to replace the official TERHA accounting method to start using Excel from scratch. During the 2016 Annual Meeting Treasurers Report, Justin did say he used Excel to make the Balance Sheet and a Profit/Loss statement, but he did not state he had changed the accounting system, [ref start at minute 2:40](#). Once discovered that Justin had changed the accounting system without homeowners authorization in January 2018, a transferrable Quickbooks license was purchased and the digital files were restored to maintain treasury transparency and reporting. TERHA license will work on PC and Mac.
 Discussion concluded not to change the official accounting system away from Quickbooks.

Vote not required.

-Motion: Continue to waive \$400 for TERHA Secretary/Treasurer position.
 History: The office of the Secretary/Treasurer is a position where TERHA has voted to waive \$400 off of yearly dues in 2011. A key roles of the Secretary/Treasurer's position is to maintain and backup the Quickbooks database, collect dues, and maintain TERHA's physical document library of retained financial records and business. We currently have two plastic storage boxes that contain insurance policy archives, correspondence to homeowners, annual meeting archives, accounting archives, USB memory stick with all documents and Quickbooks backups, deposit books and checks, a check deposit stamp, DORA and SOS records, Tax returns, a copy of the Articles of Incorporation and Covenants and By-Laws.
 Discussion was not to change the \$400.

Vote not required.

-Motion: Prior to any ditch clean outs, surface excavation, road grading, on right-of-way, 811 underground locators must be contacted as per new State law 18-167 signed May 25, 2018.

State fines range from \$250 for a single violation within the previous 12 months to \$75,000 for a fourth violation within the previous 12 months.

[811 Ticket Express](#) or call 811

Seconded

All vote by email

MANAGING NEW COVENANT PROPOSALS:

Statement: The initiative to enforce the covenants are the responsibility of the homeowner. When a homeowner is knowingly not enforcing the covenants on their own property because the covenants are not convenient for them, that's when other homeowners have been put into an unfortunate position of action to lodge a complaint. Complaints were addressed to TERHA's president and ACC on which properties were in violation. Letters to homeowners in violation of covenants were sent on October 10, 2018.

As homeowners in this community, we are all here to set the example, this isn't a neighborhood that is Without Rule Of Law. We are an established community and it's been the responsibility of the homeowners to help instill the right values by following the covenants.

Upon the purchase their property, all homeowners have legally acknowledged to adhere to the covenants of the Homeowners Association. The homeowners rely on the covenants as part of the acquisition of their property to mitigate risk to protect property values. As recent as 2015, TERHA's Articles of Incorporation and Covenants have been legally reviewed and are in good standing. The State of Colorado courts are committed to firmly stand behind homeowners associations By-Laws and Covenants.

TERHA homeowners have visited the status of the covenants and during the [2013 TERHA annual meeting](#) it was unanimously decided to start enforcing the covenants. "TERHA owners moved to the subdivision for peace and do not want to be policed on every move that they make. The covenants are more lenient than strict but if property owners continue to break the rules, it deteriorates the integrity of the subdivision without enforcement."

TERHA has recently demonstrated and followed already-established covenant procedures to process amendment changes to covenants which have been discussed in the 2013, 2014, 2015, 2016, and 2017 annual meetings. The HOA Renewal Steering Committee went through an extensive and thoughtful review with the intent to maximize efficiency by addressing all covenants and applying homeowners input. During the amendment process, everyone was invited to attend and give input. Each amendment change was [reviewed and voted on by the homeowners](#), reviewed by a lawyer, recorded with Garfield County, then recorded in the [2015 TERHA annual meeting](#).

TERHA has an established history on how to deal with covenant changes. Any covenant change will need 67% (11/15) to pass per covenant 25. To accomplish this task, we should table the proposals to a HOA Covenant Proposal Committee to then report back to the homeowners with recommendations.

-Motion: Establish a HOA Covenant Proposal Committee to discuss the proposals, refine the wording, ensure proper placement within the covenants, document and distribute to solicit feedback from the homeowners, determine if improvements are required, then we can round up everyone for a meeting to discuss and vote.

Seconded

All vote by email

No further New Motions

Continuing on with NEW BUSINESS

Covenant Violations:

Regrettably, TERHA ACC has resolve to address repeated formal complaints from multiple TERHA homeowners regarding covenant violations.

-[Cross](#), No Temporary Structures, Landscaping, Equipment violations.

-[Wareham](#), Landscaping, Equipment, Trailers, Campers, violations.

Reminder: The 2018 annual meeting [recording](#) is up if you want to listen.

Tony's note: The following text is close to verbatim using google voice to text then manual formatting.

Input from Chris:

I brought a copy from the 2013 annual meeting of homeowners and had issues listed then and I want to read through the list of infractions and homeowners not following the covenants and bypassing doing work without ACC approval. In general the issues were listed as the following:

Building without seeking ACC approval

Having temporary structures

Having unscreened equipment on their property that is within view of the road

Having domestic livestock

Having fencing that is not approved

Having renters cohabitating with owner (commercial use)

Having a commercial business running from the property

Having more than one dog

Having rubbish, trash, woodpiles visible from the road

Having unlicensed vehicles that are not fully enclosed

Having an RV pad

Having unpaid dues

In 2013, those were some of the infractions going on and before then, but this is when it was all discussed. So we had meetings and proposed changes to the covenants through a committee, we spent a lot of time on Justin's behalf, we changed our

covenants so Justin could have chickens and everyone could have chickens, but the change was made specifically for Justin. So if you have chickens, your chicken coop shouldn't be in view of the road and have it in the back of the house or screened from view. The homeowners went over a lot of things and those are all on the website.

[The HOA Renewal Steering Committee reviewed all the covenants and spent a lot of time on Justin's behalf to change the covenants so he could have chickens. At the time, Justin had bypassed the ACC and Board and built a chicken coop in violation of Covenants. Chris commented that the chicken coop should be screened from view or located where it is not visible from the road. Covenant #8: Temporary Buildings with input from homeowners and the consensus was to recommend no changes. Liane Anderson, Amy Luetke, Kathy Koff, Tony May, Chris Manuel.]

Input from Liane:

We came together as a group and talked about the issues with Justin and spent a lot of time with good representation from the neighborhood and looked at what individuals really wanted. The other big thing we changed was to allow people rent out rooms in their house to another individual, and also changed to allow chickens. In my mind our neighborhood isn't evolving over time, some new people, some people growing old but I don't see this as a need to change the covenants every 5 to 10 years but probably want to revisit. But their ok for the majority of people that live in the neighborhood or we just nitpicking over little things. Should we agree to all just follow the covenants then there's not really an issue at all, or do we get nitpicking on what to allow here. I feel like the way it our neighborhood looks is really good and we changed the two dog and everyone had two dogs.

Input from Justin:

If you let me speak, I think that Liane said that very well, I think you hit the nail on the head with those points. I know people like thing how they are, I know people want to come in with wanting to change things here and there. I would like to think we can meet in the middle. I feel that a couple things that I would like to propose but I don't want to get into the meat and potatoes of it, but there's ways where we could streamline the process with the ACC process and find out what is reasonable. I'm trying to find out that reasonable ground. If you stick to the covenants, I think it's Covenant #21, you can't do any modifications to your property [incorrect, Covenant #21 and #21.1]. What if we loosen that up to be like landscaping is fine and just some stuff there like it's not left up to interpretation, it's just is what it is, you know what, people want to live, they want to take care of their property, we want to improve it, we want to put our little touches on it, but I think there are some shortcomings with it that I feel if we made a few little changes, it would probably resolve a lot of these issues that were thrown out there. One of those things is like screening, can we discuss screening. What are screening options, realistic options, what is screening, hey you know we can see your trailers from the road, every lot is different and we have to look at every lot and some lots a re a little different and I'm ok with that. I'm ok to spend extra money to make neighbors happy, to be in compliance, and also enjoy my quality of life with the stuff I want to have. I think we all want that. We lived in violation we couldn't have two dogs, I think we are better off for doing that. I think you are absolutely right, we should look at as a progressive

community, I really love green building, I really love, like you know, just the idea of do things that really change our society, people really love having chickens. I think some of this stuff really improves the value of the subdivision. If we do it the right way and come to an agreement on it, that we can improve the value of the subdivision because it opens up for diversity because people will be like, oh wow, I can be here with my camper, you know. How many places have had campers in the past that you could see from the road but it seems like, you know.

Input from Tony:

That was the complaint that Chris read off from 2013, a major point. The complaints have been ongoing.

Input from Chris:

We had another neighbor that moved in [Melby's] and wanted to store commercial vehicles and when they found out they couldn't because of covenants, they sold the property, and went somewhere else where they could. People respected our covenants at one time. We bought here because there were covenants. We didn't want the place to look like a dump. So that's my perspective, we want it to look nice.

Input from Justin:

I don't think anybody wants to lose money on their property.

Input from Dean:

One thing I see is a double standard. When the Andersons [sic:Whitakers] were here and Kyle had the equipment across the road, you could see it down his driveway and nobody said a word. Justin has it in his driveway and now it's a problem.

Input from Tony:

You could see it barely but it was screened very well. Nobody made a complaint about it.

Input from Liane:

I don't think it's a double standard. I come out of my driveway and I walk the neighborhood quite a bit, if I was right in front of the driveway I could see it. With all due respect I can see your equipment from a mile away.

Input from Justin:

That's just it, can we find a middle ground here. As an example, I purchased the Whitakers equipment when they were moving, I was very excited to get it, I was very excited because it's something that's going to allow me to do things that you all will appreciate and it's going to benefit the community, it's going to benefit my property value, which is going to benefit everybody's. I have it up behind my chicken coop, I had it tucked away in the deepest darkest corner that I could conceal it from the road and yet if you look for it you can see it. My point is on the Whitakers property I could see it. [sic: Justin's property is elevated to view Whitakers]. I knew where it was and if I wanted to look for it, I could see it. Because if I need to borrow it, I could say, hey, could I

borrow this, and you know it was never an issue when it was there. So I didn't buy this equipment from outside the subdivision and bring it in, I bought it literally across the road and just brought it over to my side and that's where I would like to think, you know, the HOA, the neighbors, we could work with stuff like that. Like you know what, there are so many things I want to buff out with that equipment and make it look great, I mean really, I bought that equipment for a purpose to be able to use, to improve my value, so that someday when I sell, it's good value, and you guys are happy seeing it. If I can use that equipment to put up some screening or do something like I'm totally willing to do that. But can we talk about realistic options, what can we do for screening? An I give you some ideas, because I have ideas.

Input from Landon:

That's the process. Bring your ideas to the ACC, prior to doing anything. That's as simple as that. Everybody is all ears. Bring your ideas on paper, bring your sketch, bring a plot plan, relay your ideas to the ACC. The ACC will look at them, nobody is turning down from the ACC before you even start. The ACC isn't seeing that from this neighborhood right now [sic: Justin and Dean]

Input from Justin:

I think in my experience, the ACC has been very unwilling to work with me on stuff.

Input from Barb:

I disagree. You [sic: Justin] has been the only one who has built outside the envelope on the lots as they were structured. We didn't give you a hard time even though it was too close to the lot line [Barb's lot line], we said, we were going to make a variance for you and ever since then you have been asking for variances on these covenants. You go ahead and do things first, you don't go to the ACC, and then you are coming every year with us here and you want a variance. There is a process here and you do go through the ACC. We do have a process set up and that is how it works.

Discussion with from Justin and Barb:

First to back up and answer your question. Too close to the lot line.

Barb: We gave you a variance, you were outside the envelope.

Justin: By how much?

Barb: You were supposed to be. That one quarter was 5 feet from of my [property] line.

Justin: Corner of my house?

Barb: Yes. Remember it was 10 feet from the side and I had it surveyed and I had you take out the wall that was 5 feet over my lot line. What I see Justin is how we convey this to you in the ACC when this was going down, we gave you the variance 2:01 so you could build closer to my lot line and what you seem to do is that you build like you would in Castle Valley where you build to the lot line and have your driveway right on my lot line. Everybody else is inside their building envelope which is different than the lot line. The lots were designed to have them building envelopes and then have a nice reserve and trees to have privacy to screen our things, according to the covenants, from our neighbors and that was the concept of Ed, it was Ed's dream and mine too when we built this. Ed was the developer and my husband. I see that you [Justin] don't have the

concept, you build right on this [sic: property] line. I feel disrespect because you are not seeing what the covenants say.

Justin: I'm sorry you feel that way but I am going to address it one more time. When I laid out the house I had a surveyor come in and put down the points, house drawing, I submitted all that, the architectural committee signed off on all that. I went to work building to what the survey put down for point to set my garage that was the closest corner to your [sic: Barb] property. I asked for a 15 foot set back and that is what is on the plans. The county minimum is ten feet. The very corner of my garage, the closest to your, I asked for fifteen feet, the survey set that up, put the pins down, it turns out they had miscalculated five feet so its actually ten feet from the lot line. I just had it survey too, I have fresh flags up and theres always a little variance between surveyors, you know five six inches between how they are pulling their measurements. But, number 1, it's legal within the county, it's a ten foot minimum setback. I wish it was 15 feet, and that's what I asked for, I have no control over that Barb.

Barb: We [ACC] gave you that variance to put it that closer to my lot, and you were totally outside the envelope. You are the only lot in the subdivision that was allowed to build outside the envelope. Then when you built right on the line, you tried to put rocks or something there and I asked you when you put up a fence you should be six inches off the line and that's just standard but you put it right on the line with total disrespect.

Justin: what fence are you talking about?

Barb: I was referring to fencing typically, but you were marking with rocks right on the line, so much so that I had to get it resurveyed and find out that your wall was 5 feet on my lot and you did tear it down.

Justin: Right, I complied because my surveyor laid it out wrong an he was five feet off. When I built that, I didn't know that. I moved that wall back to be.

Barb: Only after I had it surveyed.

Justin: I brought it into compliance to try to work with you Barb.

Amy's input:

I was on the committee that reviewed the covenants, we spent a lot of hours, going through and picking apart the covenants really trying to figure out what was reasonable. Tony quoted at the beginning of this meeting, the covenants were meant to be more lenient than strict, bu by purchasing a property in this subdivision you agree to adhere to the covenants. I think that 95% of these issues could have been and could be prevented if the homeowner went through the proper channels to get approval. The main issue is that the violations occur and they don't go through the ACC to get approval. If people are reasonable and are more lenient than strict and in most of these cases we can work these out to be agreeable to everyone. We have this list of violations, fines we have agreed to as per the covenants that we have to deal with. If everyone is reasonable about it, we don't need to reinvent the wheel. I feel like we just did this. I think going through the right channels is the thing that hasn't happened.

Deans input:

I admit, I did not go through the right channels when I moved in my shed. I assumed when I looked at the Ross Lions property that a storage shed was ok. Apparently that's ok if you are in the good old boys club.

Tony: it's on a foundation

Justin: How much of a foundation does it have to be?

Tony: it was new construction.

Landon: That shed was reviewed by the ACC and the homeowners years ago.

Dean: I'll run home and put a match to it. It doesn't matter, this is the good old boys club [points out individuals in the "club"], the rest of us are just shit out of luck.

Liane: Not true

Landon: I've been on the ACC for three or four years now, two things have come to me on the committee to approve. One was the Whitakers addition, and the other was the sketch you provided for your [Dean] addition.

Dean: I don't have the money to do it so now I'm being punished for that.

Landon: We approved that addition.

Dean: I never got any approval.

Tony: you got approval, you were approved. [see **Cross History** below]

Dean: I was never approved.

Landon: I was the engineer on the Whitakers.

Dean: There's was attached to the house, I don't care about theirs.

Landon: The point is in four years that's the only things that came to the ACC for approval, that's it.

Dean: I'll go burn it down.

Landon: Look at the neighborhood, read the covenants, see what needs to be approved.

Liane: This whole covenants thing, it's the nitpicking.

Dean: you are right, I didn't ask for approval.

Cindy's Input:

He's [Dean] my neighbor and his stuff doesn't bother me, I see it all the time. Our neighborhood is beautiful. She [Barb] has an emotional connection, he husband developed it, I get it. A few inches off and he's trying to correct it, I don't see the big deal. This is all the most irrelevant nitpicking, bickering I have ever seen. That's the problem, so stop. I came here, I proposed horses last year because I need my horses. I came here tonight, I have them registered and you cannot fight me, I'm bringing them.

Liane: Our subdivision doesn't allow horses.

Cindy: Well you know what, I just got them registered as therapy, no matter what your HOA says, you got to take me to court. They are now therapy animals and I'm going to put a stall there. I already got a lawyer and he says.

Tony: Hud defines a reasonable animals and they include horses but they have to be miniature horses.

Cindy: Actually they are not, I have a doctor and a lawyer signed off.

Tony: You need to show us your documentation and there are variance process you can go by and you don't have to threaten us.

Cindy: Last year I tried to get them on and I couldn't. I just want to finish what he [Dean] is saying. He's feeling picked on because there is this group here, there is this group

here, and there is this little tiny group here that feels like every single thing we do, since we haven't been here more than ten years, is being torn apart. I understand it's personal and you have attachment. But to say Justin put rock on your property when we all have property covered in rocks and limbs everywhere it's natural community. I don't get this bickering over on this side, it's beyond me.

Landon's input:

If I can just say, beyond the bickering, this is not bickering anything here. The ACC is provided for in the covenants to review the construction, additions, and landscaping, to the extent it's written in there. It's spelled out.

Cindy: I totally understand that, I read it when I bought my house. I totally understand it and there was somebody before me that read it and didn't buy the house because the covenants. Again, I'm addressing what he [Dean] is feeling, why can't you just say, lets figure out how to put something under it, he didn't get the letter.

Landon: I understand it. The neighborhood votes and people volunteer to be on the ACC to act on behalf of the neighborhood. It's up to the homeowners to bring some proposed construction to the ACC. We are not going around the neighborhood, and we are not looking at anyone's property with the eye with, oh I want you to put screening here, we want you to build an addition here because it's going to look nice to the neighborhood. It's up for the homeowners to bring that to the ACC. And we have only been brought two items in the last four years. For me, on the ACC, I feel like my responsibility too, if something is brought to us for approval, to look at in terms of the covenants, does it meet the letter of the covenants, does it meet the intent. Sometimes you have to interpret it between the lines a little bit. Not every word is in the covenants and we've had, when we built our house, we had a disagreement about the material to use on the house. We brought it to the neighborhood, we asked for a variance, it was turned down, and we moved on. We didn't use that material. We went through the process. The point is, if somebody was to bring to the ACC tomorrow and say I'm going to put a mobile home on the lot, I'm going to act on behalf of the neighborhood and say no, that's not allowed.

Cindy: A chicken coop and mobile home are different.

Landon: But when somebody put a temporary structure up, I have to do the same thing. You have to say the same thing because the covenants particularly prohibit temporary structures.

Dean: Then maybe it's time to change the covenants.

Landon: But you go through the process. You want to hide some equipment, come to the ACC. Say you want to put this structure up.

Dean: Come on your knees, beg like a dog. You guys don't make my payments, I do. Ridiculous. It's an absolute kingdom, not a neighborhood.

Liane: you know he [Landon] is only volunteering on the ACC, he's not king of the ACC

Dean: I didn't say he wasn't.

Barb: We all had to go through the ACC when we built our houses. We all had to do that review.

Dean: Well, when my house was built, I'm sure it was. That's fine, I'm going to pull everything out and leave it in my driveway and start it on fire when I get home.

Tony: Please call the fire department first.

Justin's input:

Let me interject. So there's a lot of emotional attachment to everything here, what we've all done to work, build and create what we have, this is what we have right now and my whole point is we can dwell on the past and we can dwell on, you should have done this or we can work together, pick out some solutions here and meet up. I have questions I'd like answered, there are things I would like answered. I don't think we have time to get into it this evening because we are going to 9:00 and we are already over [sic: ~9:15pm], I don't want to waste time with that, I do have questions about the ACC and how it operates and just some things like I would like to put out there in all fairness and transparency with the government, with our HOA government. I understand the ACC is a board pulled together decisions the same way as the board of directors is a board put together to make decisions. We need to start acting like that. All of us. I have a model proposal of what it potentially would look like and it would simply be that if a complaint comes in or a proposal it goes to the HOA board of directors, if that is not something they can immediately address, as in a ACC violation, it gets bumped down to the ACC, ACC makes the determination and bumps that ruling back to the board of directors which returns to the complainant or requesting party. If however, if that person feels that it is just not fair, I'm not getting the results that I think I would get, then why don't we put that out to the whole neighborhood to vote. I just hang that out there, you know, so that's your chance to essentially get a variance but just a motion to ask the whole community, hey I want to put up this type of screening right here, how does the neighborhood feel like it, because shouldn't it be the majority?

Tony: No, not at all. It's a republic. Takes 67% for a covenant change.

Justin: I'm asking for a variance Tony, is what I'm asking for and I'm using that as an example.

Liane: What's the difference? [Our covenants protects the rights of all homeowners with the 67% required for a covenant change, from the will of the majority.]

Landon: It's just like what we went through with the approval of our house. We wanted to use a siding and so we asked for a variance from the ACC. We put it on our plan for approval. They kicked it back and said it was not an approved material. We submitted a written variance, this is not begging, or begging on our knees to everybody. We just put the variance in writing exactly what we wanted to do, why we wanted to do it, the hardship it would cause in terms of money. We laid it out.

Justin: Was it approved?

Landon: No. It went to a neighborhood vote, just as you described. It went through the process, we got the neighbors opinion.

Justin: At the end of the day you get what you get.

Landon: No, we moved on.

Justin: That's a bummer.

Bill: Everyone conformed to standards. We did stucco, they changed their siding, everyone has made sacrifices. So it's not like you do it and ask for forgiveness later. Everyone in the history of the subdivision has tried to work with the process.

Justin Input:

So how about some lenience here. Lets look at it this way. Serious, this is where we are at. I see that, it's been noted, this is what people don't like about our properties. We are doing the best we can to change it, we really are, and it hopefully, as you guys noticed, all the brush cleaned up on Mr. Cross's property.

Liane: I did, and it looks much better. It's just been in the last two weeks though.

Justin: We ant to keep going though. We have full intention to get that cleaned up, you know, when it freezes and we don't have to be in the mud or when it dries out, we are going to keep hammering away at it.

Liane: We were concerned that it was a big fire hazard, it would come right up to my house.

Justin: We are going to get it done. We are working on it. Let's just work together. That is just one example. Let us finish that project.

Tony: Ok. May I interrupt for a second. Your working that project without a landscaping plan given to ACC, your tearing down natural screening and it is exposing.

Dean: I talked to you before I started digging back there, I said does that need to be go to the ACC? You told me no.

Tony: Hold on a second. I'm talking about the trees that were screening as you drive by, you can see your camper now. Where's the ACC plan?

Justin: That little island? Hold on Tony, we didn't cut down in there, that was all brush, that was there.

Tony: It's been thinned out.

Dean: A tree split in half and I had to cut it down. The other one, I didn't have room to pull through it without it scraping my truck so I cut it down. I was planning on putting back some pine trees but I'm thinking I'm just going to get some piles of manure to hang them.

Tony: you can do that.

Justin: This is what I would like to do.

Tony: There wasn't anything submitted to the ACC on that, a landscaping plan.

Dean: So when I cut out a dead tree, I have to get your approval?

Tony: I didn't say that.

Dean: That's basically what you are saying.

Tony: It was the screening to your camper, your camper is totally exposed now. This is what happens when you don't follow the guidelines.

Cindy: People really do want the neighborhood to grow. This is struggling and nobody in the neighborhood is helping him.

Tony: He has his own capitol to hire that out.

Cindy: There is no compassion in this neighborhood and it's so sad.

Dean: They sent you a certified letter saying you're going to get fine \$50 a day.

Cindy: No one is knocking at the door to say Hey neighbor.

Tony: I've come over to talk to you [Cindy], I've come over to talk to you [Dean], I've come over to talk to you [Justin], have I not talked to everybody. Sorry Ma'am [Cindy].

Justin: To continue. Does the ACC need. You have driven by, you see what's going on. There's dirt that was down, we've taken that dirt and slung it up on the berm, the berm settled as you can expect. so all the extra dirt that was there, we are basically building that berm. That berm was basicallt six feet high, it was the screening that I think you would want, and it settled. So right now it's messy because I've had to tram dirt over

there from the rest which are just dirt piles. 1, we got rid of the brush piles, 2, we've moved dirt pile over there so I can sling back upon top and get that mound back to hopefully it's original height for the screening. If you would like to see that in an architectural plan I'll sketch you out something and submit that for what we want to go.

Landon: That's how the process works. That's what the covenants say to do.

Dean: I ask if I needed ACC permission to build a berm and I was told no.

Tony: I don't remember that at all.

Dean: Well I do. I realize I'm just an uneducated ..

Barb: I don't know exactly, outside of the house, I don't know, you can go maybe twenty or fifty feet out, it's in the covenants. You can build a flower bed, if it goes beyond that to your lot line, you have to go to the ACC, or the addition to the house.

Landon: The only comment I have on the house submission that you were going to do, is that you didn't have there was no planned, you had some elevation and a plan of a structure, but

Dean: I assume if you are going to put a garage door, that's where the driveway is going to be, right?

Liane: You can't assume as it could be a lot of ways.

Dean: It doesn't matter because I don't have the money to put in the addition.

Landon: We asked for it.

Dean: But I didn't have the money to pay for it.

Justin: So rather than just shooting down these things, ok, can we just work on it together. This is where we're at, we can't put the trees back up, we can't start over from that point from what you would have liked.

Dean: But I only have nine days before I start getting fined so I guess..

Justin: Lets talk about that. Some of these things, we have to fight against the weather, we have these elements we deal with. I would love to get his place just cleaned up and finished up before the real winter hits. It can settle out, then come up with some things to make it look awesome and go from there. We need to sketch out what his berm is going to look like, I'll pull measurements and draw on a piece of paper and give you a satellite image.

Liane: Do you have a reseeding plan to get some grasses growing, those are things the ACC needs to know. What are the facts of the berm what is the time frame you're going to do the work in, what it's going to look like approximately, there is going to be reseeding because right now it's dirt and then it just runs off and then it rains. This is the plan.

Justin: Let me come up with something. Can you guys give me a chance to come up with something.

Dean: No, it's my property

Justin: I'm trying to propose a solution to this, right? So, can you give me a chance. If you see some things we can improve upon like a standardized proposal form, I see the requirements in there when I read it. A timeline, material, dimension. If, I mean, I take my sketch paper and draw you out something, and give you some details on that which is how I traditionally draw plans, is that sufficient? Can we put it in electronic format, send it out and then get this rolling? Because I'll tell you something, I have a lot of stuff I'd really like to do at our place. There is retaining walls I want to build, there's things I want to finish up.

Dean: Build a shed.

Justin: I want to talk about that. So can we just move forward, can we talk about that. Regards to the violation, things that we are looking at, I do have some issues with that, alright, what I'm asking for is, can we all just get along and be compassionate and find a way to get through this.

Tony: Absolutely, that goes both ways. You just can't do stuff and ask for forgiveness. That's the problem.

Justin: Can we move past that.

Tony: No.

Liane: I think we can, we have to.

Dean: Not with an asshole like you running. Here's your wallet (kicks it under the table away from Tony).

Tony: Thank you Mr. Cross, I appreciate that.

Liane: I'm not a fan of giving fines to people and all that either.; Probably should have had discussion long ago.

Tony: We did in 2013

Chris: We did in 2013.

Cindy: I moved here in 2014

Landon: Discussion is free, it doesn't cost anything to get an approval from the ACC. You don't have to hire a landscape architect, you don't have to hire anybody to do it. What we got from Dean for his house was fine.

Justin: Let me work on it, let me work with Dean, that's all I'm asking.

Tony: why are you working on this now instead of in the past going back to 2008?

Cindy: Dean is struggling that maybe no one here knows, he has his own struggles that's where compassion comes through for me. We don't know what he is going through, you don't know what I'm going through. We can all agree on that, I don't know him that well, compassion for his situation, he's been nitpicked at, he's been too afraid.

Tony: Actually Ma'am, he was notified right away on January 2016 to remove that structure that and he requested an extra 30 days to move that structure and it never happened. February 2017 he submitted a letter submitting plans to build a garage so we gave him a variance. In December 2017, the ACC sent a letter of to remove his temporary structure. In January 2018, the ACC received plans, in August 2018 the ACC requested intentions of construction On September 22nd, the ACC again requested his intentions. On September 23rd, the ACC reviewed the covenant violations. On October 8th he asked for a variance for the temporary structure until a vote, until this annual meeting. So he's not being fined, that hasn't been established yet. October 10th, he was sent a letter. He has been well aware of all of this. He can't afford this, he just went to Alaska and the priorities here are grave.

Cindy: You could say that about anybody.

Tony: \$50 a day is \$18,000 a year.

Justin: And I think that is the biggest problem with that, is this a way for the HOA to make money then with fines. So here's the problem I have with the fine system, the way this is worked out is, it's fallen upon Tony to make those decisions.

Tony: The ACC.

Justin: Where is the ACC been involved in this?

Liane: Tony hasn't been the only one involved in it.

Justin: Has all the ACC members been involved in it?

Landon: Before the letters go out of notices of violations, the ACC has reviewed those letters and reviewed the content. I have commented on it.

Tony: Andrew has commented on it.

Landon: I have looked at it in the context of the covenants, are these violation of these sections and honestly, Tony has done an excellent 2:31 job of documenting timelines and putting the particular covenants in question down in making the case. From an ACC approval standpoint, we are looking at these particular items as violations or not, it's pretty clear cut.

Justin: Can we get a copy of the ACC review? Like your findings. When somebody is in violation.

Tony: This isn't a court of law.

Justin: I'm asking for an explanation.

Tony: We have already given you the analysis.

Justin: What I'm asking for is. I want to know number one how many people sit on the ACC

Landon: Three right now.

Justin: Does the president have input and influence over the ACC?

Landon: He's a member.

Justin: You're a member of the ACC?

Cindy: That's a conflict of interest.

Tony: No it's not.

Justin: Ok, you are saying there are three members of the ACC, Who are they?

Chris: Landon, Andrew, Kyle, and Tony

Justin: That's four members.

Chris: Kyle is gone.

Justin: but that was of recent, but in the past.

Tony: Kyle was involved in it, he was involved in your 2017 Temporary Structure violation. Knowing that you were going to do that sitting in the 2017 annual meeting a year ago and you knew that you were going to do that.

Justin: and so you chimed in on that, and you voted no.

Tony: I had no idea that you were going to do that.

Justin: You chimed in on that, and you voted no to the ACC. I submitted to the ACC a request for a temporary structure.

Tony: Oh really, when? I did not see that.

Justin: You commented on it.

Tony: 2:33 After the fact. You are talking about after you did this.

Landon: You got the letter after the structure was up and you asked for a variance after the structure was already up.

Justin: That was denied. My question is, that request to the ACC to allow this structure to be maintained for nine months which it says you can have a temporary structure.

Tony: Yes, with new construction.

Justin: with construction.

Tony: With new construction.

Justin: Ok.

Tony: Specifically says dwelling construction.. [Covenant 8](#)

Justin: Is it black or white, or is there a grey area here. So I asked for that and that's why there is confusion. Is the ACC board three members that meet and make up their mind, or is the ACC board three members plus a president that wants to chime in and interject influence. That's what I would like to get to the bottom of, like, can we define those things?

Tony: Well, we should define things as covenants as being broken, that's what's happening. That's black and white, they are in front of us. You just can't nitpick on who does what, and the process is either black or white. Either you are being calculating and breaking the covenants, or you are not.

Justin: There is also a grey area.

Tony: No there is not^{2:34}

Justin: Technically, you need ACC approval to do anything to make change modifications to your property, that's the black and white.

Barb: Outside of your envelope.

Justin: Outside the envelope, so anything you do on your property needs ACC approval.

Chris: That's not entirely true, we changed our covenants we had written in there about fire mitigation, there is an exception to that. You have to look at the covenants.

Landon: you can do whatever you want on the inside.

Justin: So how about some landscaping.

Barb: It has to go to the ACC if it's outside of the envelope around your construction.

Tony: We are talking about clear visible violations.

Justin: If this is what it's come down to,

Cindy: What is a clear visible violation.

Tony: Putting up a temporary structure.

Cindy: What about a playground play yard, like jungle gym equipment.

Barb: Amy had theirs approved through the ACC.

Cindy: How does that compare to a shed?

Justin: Honestly I don't care about those things. I just have a question about a standard.

Mr. Gibson: You have a delivery parcel box on your property at the bottom of your driveway. I don't care about that. I just curious, was that something you have to submit for ACC approval to have there? Because that's a structure, it's in the ground.

Bill: I consider it a box. If you have an issue with it, it's gone.

Justin: I could care less, I have no issue. That's where I don't want us to be with petty examples.

Tony: What you are saying is petty. Accusing people of having art, a wood wall. There is nobody that has made any kind of, I want to address complaint.

Cindy: Like me. Like what?

Tony: Your wood wall. Nobody has said anything about that except Justin. No one has said anything about this, no one has sent you a letter. Justin is the only one bringing this up

Cindy: I read the email that said piles of wood on the front that are visible.

Landon: You screened your horse trailer. If you drew me a picture and sent it to the ACC, I'd sit there and approve that.

Cindy: That's been there for years before I bought the place.

Landon: It's not an issue for you.

Cindy: That's all I did is ask if it was an issue. I saw it in the email.

Justin: That's where I can't figure out where there is a standard with screening.

Cindy: I was stuck in my driveway, twenty people drive by my driveway, no one has been to my house. You have issues, I have issues, we all have issues. His is sad, we need to help him, these petty issues are not for me. I was reading it on the airplane and all I saw was the woodpiles and my name and that was it.

Tony: Who wrote the email?

Cindy: I don't know.

Tony: Was it your residence? Justin is the only one that has complained about your wood piles.

Cindy: I'm the only one who seems to have a woodpile.

Justin: Who sent out violations of woodpiles?

Tony: That was in your [Justin's] email.

Justin: I'm not complaining about woodpiles.

Cindy: I saw my name and complaining about woodpiles and I'm not hallucinating, I don't like being talked to like that from anybody.

Tony: You are not hallucinating, it wasn't about you.

Cindy: All I know is I have a woodpile, it came with my house, the Craig's built it.

Tony: You are ok. I think it was before that.

Cindy: Who ever built it. I have a horse trailer up front. I unfortunately have to have my horses come on mine. I'm sorry if you hate horses

Tony: We don't, we love horses.

Cindy: I mean, it increases the value of the property.

Tony: First I have to ask if your ok.

Cindy: I got them certified, I went to a lawyer.

Tony: Send us [ACC] that stuff, and that's how we work together.

Cindy: Ok

Tony: I have a proposal [variance] to add horses to this

Cindy: That was tonight? To add the horses?

Tony: It's part of this whole proposal

Cindy: good. It only cost \$50 and the doctor wrote the thing so it wasn't a big expense so I

Justin: I want to address, why is it a violation? There is so much that was brought up when I got back from vacation. It seemed like everyone was in violation of something.

Amy: She [Cindy] thought it was a violation but no one ever brought it up.

Justin: So I think there is a huge problem with communication and I would like to try to help remedy that. I don't think we just live in the past and keep throwing out there past wrongs and move forward Tony.

Tony: The problem is that you haven't turned that corner yet. We haven't seen that.

Justin: I'm talking to everyone here and saying, this is my idea, this is what I want to do to get us all on track.

Tony: We are on track

Chris: We haven't really had issues in the past until a few people moved into the area. Most people respected our covenants. I have to say Justin, as much as I like you and everything, and what blows me away is that you are a cop, too.

Justin: I'm not sure what that has a bearing on

Chris: You like to break the rules so much, I don't understand why you want to violate the covenants. The other thing I would like to say, even though you built a berm, but it didn't shield your stuff, it isn't adequate. It looks like a junk pile when you walk by, it does bother me, I can say that. And I like you. These properties are not supposed to be for storage and all kinds of stuff like that. You have a garage.

Justin: I acknowledge, I hear what you are saying. I've already started working on a sketch up for where I would like to put a screening that would cover that.

Landon: Put it together and get it to us [ACC].

Justin: I have ideas to fix this problem.

Chris: This has been going on since 2008.

Justin's input:

I don't know if you know very much about me, we haven't really had dinner or really talked. I'll give you a little past history, if any of you actually care. I was 25 yrs old as a young cop died and I had to put that to bed and deal with some pretty serious things there. I was 27 yrs old when I started building a house. A 27 yr old building a half million dollar home while working full time I think I did pretty well. That's where I was at, I never lived in a subdivision in my life that had all these rules and issues. I thought it was a great place because of all the great friends I met up there and one of us is awesome. I love it up here, I love it up here, I love being away from people. I didn't know that I would be offending so many people.

Chris: Did you read the covenants before you bought the property? Because the covenants do say..

Justin: There's people that have campers. All my friends have campers. So when you say screening, I put up screening. I thought I was sufficient to put a berm up and that seemed to be fine for a while and it's come back around. Again, are we going to keep hitting the past or find a way to move forward.

Liane: let's move forward. I appreciate what you are doing for Mr. Cross.

Tony: Yes, everybody does.

Liane: Because you are really helping him. We have all come to the realization that he needs some help. It's the same thing over at the Cross's, he has failed to review the covenants in his own little world and trying to do some thing and actually making things worse. It is good you are helping him. We all need to come back to, what is the process, lets submit it to the ACC.

Justin: I'm telling you, I want to start submitting. To me, this is something I'm trying to tell you that I see the issues. If I can draw something out, make some conceptual ideas for you to approve a rock wall, to approve to put up something here and there. To put up some screening. I'll try to give you the best conceptual idea I can give you so you will understand what I want to accomplish with material sample. I get you have a checklist. So I want to work with you, we all want to work with you, There shouldn't be an us and them and that is what this has turned into. Can you work with me. I'm going to help Mr. Cross get this stuff done. I'll sketch you up some stuff, I'll talk to him, I'll give you some ideas on paper. Can I kick that up, can we just, you know, can we get positive feedback, it seems like it's really always negative, but if something isn't right, can you give positive feedback on how can we get this accomplished like tweak this a little bit or tweak that a little bit. Lets refine a system that's actually easy.

Landon: You are describing a process that is in place already. It needs to be started by the homeowner. We are not going to build something for you.

Bill: We shouldn't be in each others faces, we should just be on autopilot.

Justin: I agree with you Bill.

Bill: In a bigger subdivision they hire a management company to do this and then there is nobody getting a black eye, like Castle Valley Ranch. Unfortunately we live in this small thing and we have these rules and it should just work.

Justin's input:

I wish that when I moved here as a young man, I felt like I got a lot of criticism and I felt like I got very little or no positive direction. That's been my experience with the ACC. Incredibly negative, incredibly difficult to work with, and it put a bad taste in my mouth. I'm willing to put that all behind and lets move forward. So can we turn a new leaf, can we agree on this. Let's look at some of these covenants, we feel like the people in the neighborhood would like to make some changes, lets talk about those, lets put together committee. I would be happy to let me show you I can work with you by giving you some drawings some ideas, some timelines, and that stuff and getting some screening out, I want to be able to have my camper there on my pad. I'm sorry but Barbs camper is right up her driveway, sitting on barrels I can see from the road, and her trash can is in view of the road. I don't care about it, I really don't. I would like to, If you wanted, if the requirement to have a trash can by the road was screened around it, or put three together for screening or something like a little structure like your parcel box, I don't care.

Tony: I [ACC] don't have thing about garbage cans in there [violations].

Justin: It's in there. That's my intent as a neighbor and that's what I'm trying to express to you all, that I want to be helpful.

Barb: You can't see my camper from the road unless you really look up there. You might see it or you may not. Your stuff, we can definitely see it.

Justin: If we are going to look at this fair in black and white, then is that not a violation.

Tony: It could be, if it was reported by someone. Are you [Justin] going to report it?

Justin: Petty to report that.

Chris: I walk the loop all the time and I never see her stuff.

Tony: I didn't know she had a camper.

Chris: I never see it and I walk the loop almost every day.

Justin: here's where I feel it's discriminatory, the shape of my lot.

Chris: Justin, when we bought land here, we looked at your lot, we didn't want to buy that lot.

Justin: Why not?

Chris: Because we wanted more space because we wanted more stuff, so I didn't choose that lot. So the person who bought that lot should be a person that doesn't have a lot of stuff, because take a look at the place, or you put the house somewhere else so you have a back area where you could store things.

Justin: You could put anything else up there.

Barb: There was a place but you chose not to.

Chris: If I had horses, why would I live here if the covenants say you can't have them. I don't get that. If I wanted to have horses I would have moved somewhere that has

irrigation, pasture. The reason it said no horses and animals like that is because the ground is dry and they trash it too much and creates run off, there are reasons. It states it in the covenants. It makes sense. The problem I hear is that you [Justin] say lets turn a new leaf, but Justin, you are the one who needs to turn a new leaf. We are just abiding by things. If somebody has a complaint we change things.

Justin: I'm not sure where you are misinterpreting, I'm saying it's not one sided. I'm saying this is a two sided thing. I mean a partnership, if you are being a good neighbor, you are working together on stuff, right, that's a partnership, and that's what I think we should be doing here. I don't see why we couldn't be doing that. I wish that when I moved in, somebody would have come over and hey, I see what you are trying to accomplish, you know, and I can help you kind a get this sketched out, like hey dude you are screwing this up, I can make a difference to show you how to do this. Nobody has ever come to me and said, all I have ever heard is bad about me and my property and that's all I've been tagged with. I've never had any of you come over and realistically say, can I show you how to, you know, show you a method for this, and this is what we look for. I've never had anybody teach me, and I wish that they would have. Serious, as a young man trying to make these decisions, I was just winging it.

Tony: I would buy that if you were 17 but not 25.

Barb: The process would be to take it to the ACC and ask them with our plans and let them know what you are doing and get approval as stated in the covenants.

Liane: It's a very small board of directors and ACC, it's all volunteer and we all have full time jobs and we work 60 hours a week.

Bill: I can remember multiple times when I was on the ACC and having discussions with homeowners and working things out. That's the way it worked. That's what you are asking for, but you seem to have a reluctance to do that. Is there a reluctance, I'm trying to get to the hidden agenda here.

Justin: Please, the hidden agenda here.

Bill: I understand what you are saying. You are saying, can we all work together, but are you willing to submit to the ACC.

Landon: I wasn't involved in your initial house approval so I don't know the history there, but I'm all ears and I've never got anything from you for approval. I'm not looking for project, the ACC isn't out there looking for projects. They need to be started by the homeowners, and say the want to do this.

Justin: I'm not asking you to do the project, what I was asking for is someone to show me if that is what needed to be done years ago. I've been here for over ten years, we've had this many years, a decade of bad blood.

Tony: We gave you a variance for your camper, you put up a berm but you were to remove that camper. [sic] it's going to be gone, I just need it to be there while I'm doing construction, that's what the line was, so you are abusing the intent. To work together, you have to work with us. We worked with you, we gave you the variance on it.

Justin: Then when I look at other people's property and I see campers sitting there.

Tony: Like Mr. Cross and Barbs?

Justin: Well, if I go back in history

Tony: No, right now.

Justin: Right now? You want to pull up things from the past but when I want to bring up past examples, it's not ok?

Tony: Ok, past examples.

Justin: Whitakers.

Tony: Ok, I guess he had a camper.

Justin: They did, they had a couple of campers.

Tony: he had a no trespassing sign and it's still there, I don't go on his property. You have permission?

Justin: You could see it from the road.

Tony: I guess so

Justin: Barbs camper is sitting there.

Tony: I guess so.

Justin: At Cindy's house, the previous owner had an RV in there.

Tony: We gave them a notice.

Justin: Edgar's camper behind the berm you could see the top of.

Tony: who was?

Justin: Edgar.

Tony: it was partially screened like yours was.

Liane: they had the big berm, you could see the top.

Tony: I remember that.

Chris: they planted trees on it, you could see it, a little bit.

Landon: You [Justin] talk about the grey line you can see it all around the neighborhood, those are certain things that people have talked to the ACC and done variances with and a number of things, and they are not issues for people in the neighborhood.

Justin: So are you willing to start working with me, that's the question right now, if I submit stuff.

Liane: We have worked with you. You got chickens, you got rental. Those were things you wanted too.

Justin: And you also approved dogs, you approved multiple dogs.

Liane: We listened to every homeowner. We made accommodations for every homeowner.

Mary: We are not getting anywhere. I'm tired, I want to go home.

Bill: Jim, I know you are polite but you want to say something.

Jim's Input:

I not as aware of this and haven't been in touch, I did read the recent complaints. I guess the one thing that I think, you guys [Justin and Dean] feel this us and them, and I don't think it's intended to be that way. There is a kind of us and them and I think there is a misunderstanding. The us, we're here putting together these covenants that none of us really liked. All in total, I don't think we all said, oh this is great, I want to live where there are a bunch of restrictions. The county imposed some things that were a collaborative effort, we thought the one dog thing was ridiculous but it was a county thing as I recall. There were always things and I don't go around looking for trouble or violations, everybody should be, in my mind, do what you want to do. But, we have these covenants and so I am subject to them just like you are. We are all subject to them, I don't particularly like them. I do think we have this communication gap but I do. The us and them, you three Justin, Dean and Cindy don't see that covenant thing the

same way we did because of us being here to put it together, we were the original owners here. Why I kind of bristle and don't like it, I rather live out on a ranch somewhere, where I could put up whatever junk I wanted to. I know I have to abide by this so there is a process, I don't like the process. I don't think we communicate very well, you inspected my little shed, which I am in violation because I haven't finished. You have checked out my shed. He came and inspected it, he was on the ACC and came and looked at it. I confess, I don't think it's because I'm a good old boy, but I confess, I have a violation and I need to fix it. I know I have to fix it because it's in the rules. As much as I don't like someone saying, hey, I want to pick your paint colors, it's not quit that bad. It's just there are rules that say. I remember your siding rule, that was a hard thing for you guys [Anderson's] and I feel bad for you. I remember having the same discussion with them, I don't like particularly, but I get what you are saying, but the covenants say this.

Liane: We were hurt by that too. We felt hurt and we felt like are we sure we still want to live in the subdivision.

Jim: I didn't like how that felt for anybody. It's one of those things, I agree that it's good to be flexible and update things. It shouldn't be, I've already done this, lets update it to match what I've already done. That's the part that is hard. I agree, I don't like the covenants in general, I want to do what I want to do without somebody looking over my shoulder but that's the rules we have. I think that you three seem to say, why not a chicken coop, or comparison between this and that. It's not a comparison, it's a fact that those things are not approved. Maybe they should change, and we did change them, and we should continue to change them but the part that is unsettling for people is, Lets not do it first then ask for forgiveness. I think your effort, and we could come to an agreement to say, ok, I admit, I screwed this up but I understand the nature of the covenants and let me try to fix it. I think we are amenable to that, I think all of us are. I would rather you be happy with your thing.

Justin: And that's what I'm asking for here.

Jim: I want you to understand that from the perspective I'm hearing is that you have already done your thing, now you want us to bless it. That's the hard pill, I think.

Justin: There's two named violations I'm being cited with right now. One, the logs at the bottom of my driveway. Please drive by and look at them.

Jim: I've seen them.

Tony: There in your drive way.

Justin: The reason I did that, just to understand, my driveway is in the middle of the loop, do you get it?

Tony: We get it, but those logs are not on your property.

Justin: They are right on the edge Tony.

Tony: I know. They are extending into the...

Chris: The right of way.

Justin: So what? I'll take those out.

Jim: I don't know what the issue is there.

Justin: I'm tired of truck dropping their tires, of people going around the driveway and cut the corner. Especially like the UPS and delivery drivers and my driveway is bigger and they miss the whoever else and use mine as a turnaround and I see tracks in it. So

when they cut that corner too tight and they drop their wheels into the ditch and I put rocks there initially to show, like we all have, we put rocks right there to show where the culvert, where the ditch. It keeps happening and those rocks keep getting driven over and knocked in the ditch, I'm pulling them out, the culvert is getting crushed down at times and that's all I'm trying to do is prevent that. It was a nuisance, so I thought hey, I got these cool logs, I was thinking I would stain them, put my number on it, plant some flowers on them or something cool or a solar light. It's something for safety, it's something to say, don't drive in this ditch. That's my intent, it wasn't to piss people off.

Chris: That's not a big deal for me, my issues are ongoing ones, I don't know if anyone else cares.

Justin: Can I help fix the on going issues, the next ongoing issue, the big elephant in the room here is the screening. I would really like to be able to have.

Chris: Your chicken coop.

Justin: Can I screen that and you then don't see it.

Chris: Why can't you move it?

Liane: How many years has it been in violation. Submit and it will probably be approved.

Jim: The other expectation Justin, is that submitting into the ACC after the fact does not necessarily guarantee that it is going to get approved. You put yourself in this position of having to do more than you would have in the first place, just because some people may say they don't like it, it's not going to work. Maybe move the chicken coop, I don't know.

Justin: That's what I'm trying to talk to you all about. I want to submit plans for some type of screening to block that off from the road, so you don't see my chicken coop, you don't see my trailers. I want to submit those plans.

Chris: What material do you want to use?

Justin: I want to use 1x6 cedar planks that are stained.

Liane: Do you want to use a fence, you want to fence?

Justin: I don't think we are supposed to have fences, but it supported by posts in a linear fashion.

Chris: That sounds like a fence.

Jim: You can have fences but you can't fence your property.

Tony: you can have them except it's for gardens and kennels.

Justin: What's the definition of screening?

Barb: That's not allowed change in the ACC we don't necessarily have to do all that.

Justin: So why am I answering that question now?

Chris: I was just curious about what you were using.

Justin: Let the ACC decide. You know what I wish? I wish you would give options. I wish that you would have a list of options. It could be a dirt berm, it could be rocks.

Barb: It's in the covenants.

Justin: It's actually vague, it's vegetation and screening.

Barb: Look it up on the, Google it.

Justin: Go on what google says, that is why I am asking. If I took fire wood and stacked up firewood logs and that's screening.

Liane: Somebody did that. The Craig's did that and the screened their camper that way.

Justin: I'll write that up. I do have one point that is pretty important and I'm going to close out on this.

Chris: What about some really bushy evergreens? That would screen your chicken coop. If you put some thicker bushes.

Justin: I would be happy to do a combination but I think that would be a fire issue though. Because I thinned the trees to be in compliance with fire code, right, try to thin that to keep the brush down, and you see. If I plant trees.

Chris: Why don't you just move the chicken coop around, closer to your house. Way up there so we won't see it

Jim: That's an ACC question.

Justin: Here's the topic I have to bring up and I think this is very important and I'll explain why. This isn't to a, this is something I would like to talk to the group, I would like it noted that I, on the roster I provide you with my home personal email address and a phone number to get a hold of me. In the past Tony has looked up my work email and sent HOA business to my work email without my consent and sent matters off. I responded to please don't use my work email, it's for county business only, and that's that. I think that's pretty clear. I can't get it for a reason. While we were out of town, out of country on our honeymoon, I received a notification of what was an urgent matter and again he defaulted in going to my work email and hung out personal private information of people on my work email.

Tony: Correct, he is saying the correct thing, I sent an email to him.

Justin: I have again asked, do not use my work email.

Tony: He accused me of harassment.

Justin: It's getting harassing when repeated unwanted

Tony: It's a sheriff accusing me of harassment.

Justin: Can I fill you in on a, here's one point, on one side, I feel harassed because if I don't, If I went out of my way to find personal contact, or you know, your work contact info and started sending you stuff when you never wanted me to have it, how would you feel. I've asked that to stop.

Tony: Block.

Justin: I have noted.

Tony: Ok, That's how I'd feel, I'd just block it. If I felt that way, I have the option to do that.

Justin: I don't, I don't manage our email system. I'm not IT, our county is. That's not my job, my job is to work for the county

Tony: Right, on a taxpayer email system.

Justin: That should not be bothered with HOA business.

Tony: Whether it's appropriate or inappropriate, that's a good point.

Justin: well, I'm not sure how the sheriff responded.

Tony: He says it's inappropriate.

Justin: So you contacted my employment.

Tony: Because a deputy sheriff is accusing me of harassment and I take it very seriously.

Justin: Ok.

Tony: So this is a pissing match right here.

Justin: I want to note this are you aware of the open records act.

Tony: Yes, in fact we are complying with it right now in this meeting.

Justin: To be noted, you sent me this person's information in an email when I've asked you not to, and I just want to, government emails are open to the open records act.

Tony: Absolutely.

Justin: So that person's private information was sent to a government account that is open to open records.

Tony: Right. That information is also public information. What I sent you is public information.

Justin: What I'm stating here is that I do not want my work bothered with HOA business.

Tony: Ok, that's fine. The gravity of what I sent you, which I am not going to disclose. A couple people in this room know what the it is, I'm masking it out of courtesy to...

Bill: You know what, I don't want to be implicated or whatever. This is an issue between you guys and keep this between the both of you, it's not appropriate.

Tony: Yes sir.

Bill: What you guys are doing is not appropriate in this meeting so leave it out, it's not our concerns.

Liane: Second that. It's between you guys.

Tony: Ok, I apologize.

Bill: We don't need to have any involvement in your personal quarrel.

Liane: I do agree with Justin not to use work email, I would want that to be respected because I'm the same way, I don't want personal email to my work email.

Tony: Ok, and well noted. I won't be doing that again, but I will do it again if it is an egregious position. I mean, it's not against the law.

Cross History:

[January 4, 2016, ACC letter](#) sent for removal of temporary structure.

January 28, 2016, Reply from Mr. Cross to allow for an extra 30 days to move the Temporary structure due to weather conditions.

February 27, 2017, Mr. Cross submitted a letter to the ACC stating that he would be submitting plans to build a garage during the summer of 2016 to replace the temporary structure.

[December 8, 2017, ACC Letter](#) sent on Cross covenant violations to remove the temporary structure.

January 2018, ACC received plans with a construction start date of April 2018.

March 9, 2018, ACC sent, approves plans cites no accompanying landscape plan, approves variance for the temporary structure during construction for removal after construction.

August 10, 2018, ACC requested intentions of construction.

September 22, 2018, ACC requested intentions of construction.

September 23, 2018, ACC Review on Cross covenant violations.

October 9, 2018, Mr. Cross asked for variance to the Temporary Structure removal until a vote, until the Annual meeting.

[October 10, 2018, ACC Letter](#) sent to Cross's for covenant violations.

November 6, 2018, Dean Cross states he doesn't have the money to build the addition.

November 15, 2018, the temporary structure is removed from Lot 5.

IS THERE ANY OTHER NEW BUSINESS?

13. Election of Officers and ACC

Current Officers:

-Tony May, President

-Amy Luetke, Vice president

-Justin Wareham, Secretary/Treasurer-Paid Position \$400/yr (Quickbooks, Dues collection, DORA, SOS, Historical)

Current ACC:

-Landon Anderson

-Andrew Bisharat

-Kyle Whitaker

-Tony May

Current Road Committee:

-Dean Cross

-Tony May

Voting by email: Election of Officers:

President: Tony May, Justin Wareham

Vice president: Amy Luetke

Secretary/Treasurer: Liane Anderson

Election of ACC:

Landon Anderson

Andrew Bisharat

Tony May

Bill Gibson

Election of Road Committee:

-Dean Cross?

Tony May

14. Adjourn