

Shining Mountains Owner's Association
Annual Meeting
Saturday, July 10th, 2021
MVRFD Station #3, 10:00 AM
MINUTES

Call to Order 10:00 AM

Opening Statement – Jim McFall

There is a lot happening within the development and I would like to ask that we keep this meeting civil. The Fire Department has instructed us that if the meeting gets out of hand we will be asked to vacate the building.

Election Results:

Howard Goltz – 48 votes

Jim McFall – 58 votes

Ken Sargent – 45 votes

Mike Sheffield – 50 votes

We will be deviating from the agenda to introduce Pat Noack from the Fire Department

Fire Safety – Pat Noack

We are currently in an extreme drought. Please keep areas close to your homes watered and trimmed of tall grasses, overhanging trees & shrubs. Fire Department triage works on a safety first basis. Safety for people and apparatus. If your property/home does not have safe ingress/egress it will be designated as undefendable. During the fires last year several homes within Unit 3 were designated undefendable because of ingress/egress and vegetation issues. Please do what you can to maintain the property so we can access it in case of fire.

Financial Reports – Don Kensinger

Balance Sheet report indicates \$141,000 in checking, which includes \$43,000 for gravel bond/these are unusable funds that must be set aside to return lot (where gravel is stockpiled) to its original state should we decide to no longer mine gravel. \$69,152 portion of checking balance represents SMOA lot on Hilltop Trail which was sold this year. SMOA received 3 lots in lieu of monetary proceeds as a result of a prior law suit. \$36,723 represents impact fees for new builds and \$10,000 in savings for snow removal.

Profit & Loss report indicates \$42,000 as net income with \$30,000 of that being impact fees.

Expenditures for roadwork last year was \$45,000

Construction Permits – Howard Goltz

30 Construction permits were received last year.

14 new residential structures

14 sheds/greenhouses

2 guest homes

Please don't forget to submit your application for a construction permit prior to your build. It is also helpful for the Board to see where on the property you are building and that you are in accordance with set-backs and square footage requirements.

Discussion ensued regarding By-laws, its definition of quorum and question regarding 2nd VP

Q – Was a permit received for the greenhouse constructed on 69 Haypress Lake Trail?

A – Deferred to end of meeting.

Q – Was there a change to the By-Laws permitting commercial building?

A – Deferred to end of meeting.

Q – How many impact fees for new builds were received?

A – 14

Common Areas – Jim Mc Fall

All 3 Haypress Lakes were stocked last fall with same number of fish as previously stocked 300-500 in the Upper and Middle lakes and 1,200 in the Lower lake. Haypress Lakes are put & take fisheries and licenses are required.

The new walkway at Cold Springs Pond was completed this year. A sign stating “Please stay off the walkway” will be installed and we are working on a permit from the State for Cold Springs Pond. Currently there is a non-consumptive water right on Cold Springs Pond and we cannot draw water from there for irrigation. It is only to be used for wildlife irrigation.

Q – Should Catch & Release sign at Upper lake be removed?

A – In the past the State used the upper lake as a brood stock pond and is no longer using it for that so the sign should be taken down.

Q – Is the Upper lake easement through private property and has the Association considered purchasing that property? (7C?)

A – Currently there is a restrictive easement and purchasing that property would be a good idea. The Board will look into if the property is presently still for sale.

Roads – Jim McFall

Last year we spent \$45,000 on roadwork and the list of roads for this year is as follows:

Deerfoot to Pinecone

Holly Creek from Axolotl Lakes Road intersection

Sidehill to Antler intersection

Haypress Lake from Loop Rd to gate

Antler south to Axolotl Lakes Rd

Unit # estimate from West driveway to top of hill

Antler Trail, 3 berms were created by fire apparatus) on east side of road which needs to be corrected. Considering 2-3 pullouts on Antler Trail for large vehicles to pass (Fire apparatus)

Q – When will Shining Mtns Loop Road at cattle guard and corner at Carbine Trail be repaired?

A – Shining Mtns Loop Road is a County Road and SMOA is not responsible for those repairs.

Roads slated for repair that we will be using impact fees for are:

Bobcat, Snowshoe, Hilltop, Foothill, Dude Ranch and Hayfield Loop Trail (2) SMOA would like to visit With long time property owner where money would be best used on that road.

We have 5 construction applications where impact fees were collected however construction has not yet started on those homes. We collect impact fees on new construction to remedy any unfavorable road damages done by large equipment during the course of the building.

We have crushed and stockpiled 2,000 yards of pit run. AM Welles suggested we crush the large boulders to 6” as that size could be utilized better than the smaller size.

Current rates for roadwork are approximately \$1,500 per mile.

\$140 hour for grader, \$100 hour for compactor, \$100 hour for water, \$100 for dump trucks and \$0.50 yd to load material. Quite a bit of cost is saved by having the material here on site.

Q – Was roadwork on Red Rock completed?

A – Yes, after 2 homes were built there the prior year.

We would like to request homeowners email us advising where problem areas are. We don't drive all the roads in the development and your help would be appreciated.

Q – 3 Rivers large equipment breakdown and hydraulic fluid was leaked. What is SMOA doing to insure that is being cleaned up?

A – There is an inspector with every machine to ensure that 3 Rivers is addressing any problems. We suggest that if you see something to address it with that inspector at the time or contact 3 Rivers directly.

3 Rivers has 1 year to repair roads. Specific repairs such as sprinklers, culverts etc. should be addressed immediately.

Q – Is SMOA relying on 3 rivers to repair roads?

A – It is 3 Rivers responsibility to repair the roads back to their original state. SMOA will meet with the head of this project to establish a procedural agreement. The installation should be completed this fall and the fiber blown in and connected next year.

Q – Issues with road due to 3 Rivers?

A – Property owner to contact 3 Rivers directly and give them an opportunity to remedy the issue.

Q – Is anyone on the Board addressing immediate needs for repair?

A – No, we did see that gravel has been dumped on Shining Mtns Loop Rd and Foothill

Q – Is there an agreement with 3 Rivers to repair the roads?

A – 3 Rivers is responsible to return the roads to their previous condition.

Q – What about the culverts on Foothill Trail that are now blocked by the construction?

A – We were unaware of the problem. SMOA as a Board are not following them around to ensure they are doing their work. We request that the homeowner address the issues with 3 Rivers inspectors at the time of infraction as they are there to QC the work.

Q – Is the Board going to request that 3 Rivers conduct better work QC?

A – No, We request that the homeowner address the issues with 3 Rivers inspectors at the time of infraction as they are there to QC the work. If a problem arises with the road and you are there to address it with the workers or inspectors you should do so. If the problem is not resolved please let the Board know the specifics by email.

Q – Do we have a community email?

A – No, one of our residents has come forward and offered to build a data base to collect problems and route emails directly to 3 Rivers.

Q – Will fiber optic construction be done again for new builds?

A – No, fiber optic lines are being run to all properties. Vacant or otherwise.

Q – What are we doing about adequate snow plowing?

A – The current equipment used for snow plowing is not ideal and we have tried to find someone with the proper equipment to plow the development and have been unsuccessful. If anyone has any suggestions or referrals, please let us know. We are aware that there are several places within the development that are bad snow areas. Please be prepared during large storms. There may be times when we cannot get a plow there for a couple days.

Q – What is being done about signs at entrances of development? And can some property owners ban together to erect the signs again?

A – We are currently looking for a contractor to replace the signs and have again been unsuccessful. The problems with property owners handling this is an insurance/SMOA liability concern.

Q – Can we place “No Trespassing” signs along roadways.

A – We can, however that will not be enforced.

Q - Can speed limit signs be installed?

A – Yes, please email us with your suggestions as to which roads you would like to see signs.

There was a problem recently where emergency vehicles could not find their way in Unit 3, if you notice any Road signs in the development that need to be replaced, please let us know.

Full time resident of Unit 3 volunteered contact information and will gladly assist any emergency vehicles in that area.

Q – When will Axolotl Lakes Rd be repaired?

A – Please contact the County Commissioner. The contact information can be found on the Madison County website.

Weeds and Fiber Optic Installation – Howard Goltz

Weeds-The State of Montana requires property owners to control noxious weeds. Should you need assistance with finding Commercial Sprayers in the area you can contact the Weed Board for information.

Fiber Optic-Please work with the inspectors or send emails directly to 3 Rivers. If you don't get any results contact the SMOA.

Open Discussion

Dick Engel – Presentation on issues with owner at 69 Haypress Lake Trail with commercial business growing medical marijuana, numerous signs (28) on fences surrounding property that are not in accordance with covenants and greenhouse/hoophouse built within 12 ft of property line. 24/7 lights around the property.

This owner is threatening to do away with the Association and concerned citizens in the development want to sue the Board and do away with it.

This Board is our only protection for the owners and if they would let us know that they are going to do something we would stand behind them.

Q – Is there an agricultural exemption on this property?

A – No.

Stmt – If not, then the barn behind me should not have lights on 24/7 and putting "No Trespassing" signage on both sides of the road are unacceptable. We must be careful how we present this.

Dick showed pictures of licenses obtained for a dispensary located in Lone Elk Mall and reiterated that no commercial businesses were allowed in Shining Mountains.

July 9th, several law-abiding citizens/neighbors met on the corner at 69 Haypress Lake Trail to discuss what could be done. Among those were 2 past board members and 8 past military members. The property owner came out and was taking pictures of everyone and arguing and the Sheriff was called out.

Board Q – What is the solution? Does anyone have any suggestions?

Dick Engel A – The Board needs to take care of this or some people will and it could get ugly.

Dick also stated that Jim had two encounters with this property owner and nothing was done.

Jim clarified that his first contact with owner was the day he closed on the property and the second time was??

Two letters have been sent to the property owner and an attorney has been contacted. This is a civil matter and will take a long time to work through but the process has been initiated.

Q – In the history of the Association, has every structure built had a permit?

A – No.

Stmt – Argument done. Now you are selectively enforcing rules because you don't like what he is doing.

Stmt – No commercial business allowed. Period.

Q – What about all the Air B & B's?

Stmt – Are those considered commercial or residential?

Q – If reported to the County, do they have the authority to process a Cease & Desist order?

Stmt – Per the State website, medical marijuana licenses require that you be a resident of Montana for 3 years and employees must have background checks and be fingerprinted.

Q – What are we doing?

A – Attorney will send cover letter and we will file a report.

Q – Are we going to contact the County?

A – Hearsay, we cannot prove he is growing marijuana.

Stmt – Dick Engel has contacted several agencies for assistance and has gotten no help.

Q - What about the offensive signs on Hayfield Loop?

Stmt – 161 Haypress Loop, those are my signs and its my freedom of speech

Stmt – We are distorting the issue 1. Its not about signs. Its about violating the covenants by growing commercially. 2. He has “No Trespassing” signs up of course. When you’re growing pot, people outside of our community may want to rob this property. Legal action is great, however someone from the Board should approach this property owner.

Stmt – If you don’t get a response from the local law enforcement go to the State and your Congressional Representative. Document the steps you have taken and ask them to address the issue in our community.

Stmt – I have contacted Health & Human Resources. This property owner does have a license however he does not have a license to grow here. The grow operation must be inspected. Supposedly the Chief inspector will be out on Monday to inspect.

Q – Why wasn’t this done by the Board?

A – At the time we were notified it was hearsay.

Stmt – His volatility is becoming an issue for this community.

Board Stmt – Again, please email any suggestions/concerns regarding this property to the Board.

Stmt – The problem is our dues are so low we can’t legitimately fight these battles legally. There is not enough money in the budget to enforce covenants.

Stmt – Raising dues has been brought to the Board numerous times and rejected each time.

Stmt – We have \$200,000 in the bank and the Board can approve special assessments. Can’t we get one of our 2 attorneys to send out paperwork. SMOA board members should do their due diligence to sit on the Board. You three gentlemen on the Board would be great as long as we weren’t here causing problems. You took the job so you should do the job and if you are afraid to go up to the gate of the property owner you should get off the Board.

Stmt – Because this is an informational meeting only. Who is in favor of raising the dues? Show of hands. Who is opposed? Show of hands. The majority of those in attendance agree to an increase of dues.

Can the Board send out a communication that they are considering raising the dues and what they plan to do with the increased funds? The By-Laws do allow the Board to approve special assessments. If a plan was in place people may be more welcoming of an increase.

Adjourn 12:00 PM