

# Jette Meadows Landowners Association

## Annual Meeting, July 12, 2023

### Minutes

An Annual meeting of the Jette Meadows Landowners Association (JMLA) was held on July 12, 2023, at 7:00 p.m., at Four Square Church, located at 40677 Partridge Way, Polson, MT 59860.

**Quorum:** Terri Bolin calculated that we need 79 lots represented to achieve a quorum. She verified that a quorum had been obtained with 60 lots represented in person and 51 proxies for a total of 111 lots represented.

**Meeting called to order at 7:20 p.m.:** Jim Doolittle

**Type of Meeting:** Annual

**Board of Directors:** President Jim Doolittle, Vice President Howard Farquhar, Secretary Pauline Baran

1. **Approval of Minutes** Jim Doolittle welcomed the attendees and explained that annual meetings were not held in 2020, 2021, and 2022, due to COVID and the health risk to our mostly mature community. Pauline Baran read the minutes of the June 17, 2019 annual meeting. There was a brief discussion as to whether the proper procedure had been followed in 2019 in order to obtain a quorum. Lowell Bosshardt, moved to approve the minutes, and Charles Williams seconded. By a show of hands, with one person opposing, the minutes were approved.
2. **Financial Report** - Outgoing bookkeeper Lana Bartel presented and reviewed the financial report. As of May 31, 2023, the balance in the checking account was \$12,497.52, and the balance in the savings account was \$10,212.88. Kathy Johnson moved to approve the report, and Ron Miller seconded.
3. **Committee Reports**
  - Design and Review** - Lee and Nicki Perrin are out of town and provided a written report read by Jim Doolittle: "183 files are on record from 2002- 2023, initial dwelling plans and applications for sewer permits are on file at Lake County Courthouse.  
2002-2023 there have been 238 design applications that were reviewed and approved for construction.  
2006-2023 there have been 3 design applications that were reviewed and disapproved for construction.  
So far in 2023, the committee has approved one new garage, one deck addition, and one new house and garage to be built on Lot 66."

**Nominations** - Steve Bolin reported that there are five individuals willing to run for election. There may be other nominations from the floor. Each individual will be given two to three minutes to introduce themselves and state what qualifications they can bring to the Board. Steve asked for nominations from the floor and there were no volunteers.

A Member asked for clarification as to whether Jim Doolittle and Howard Farquhar were running for reelection, and Jim and Howard explained they were not running. The homeowners thanked them both for their six years of service to the community.

**Gravel Roads** - Derek Lemm was unable to attend the meeting and provided a written report read by Jim Doolittle: "As of spring, water has washed off most of the roads creating washboards - highly recommend scraping off the roads. Pointless to spray for dust until a vendor actually shows up to scrape. I have contacted four vendors and they did not show up. I did not have the time to chase. The use of Howard's machine was revoked since our winter meeting and here we are with gravel roads being in their worst condition. Four wheel drive is needed on the worst part of Great Pine and it's getting worse."

Tracy Nebeker stated that her husband Clint had volunteered to help with scraping the roads. After Derek set the meeting, Clint got busy and had to miss it. Clint has been trying to blade Meadow Road near their home, but their small tractor can't handle the work. Professional equipment will need to be rented in order to do the job properly.

Ron Miller stated that he talked to Lake County regarding berms that were created during the winter by the snowplowing. Ron was told the County would send someone out to evaluate, but no one has been seen yet. Jim Doolittle has spoken with Jay Garrick at the County and was told the same. Jim encouraged residents to call Lake County to complain.

**Water Board** - Jon Raymond reported that since 2019 there have been 16 new water hookups and currently 2 hookups are pending. The Water Board was able to obtain grant funds from the American Rescue Plan Act. Some of those funds were used for upgrades to valves and for the digital meters that were installed. The new meters alleviated many problems; the meter reader is able to remotely obtain the reading obviating the need to enter yards, encounter dogs, or trudge through snow drifts. There are three bonds out, one expires in 2027 and the other two in 2030. Two of those bonds are paid through our property taxes. The Water Board recently slightly raised water rates for the first time in 10 years. Jon asked those homeowners that are watering their lawns to water on even/odd days depending on their address, i.e., if your address ends in an odd number, please water only on odd days of the month. All three wells in JMLA run full blast during heat waves. There have been reports of wells going dry in Kalispell. The Water Board is looking into installing water monitors for our wells so water levels can be monitored remotely. Jon reported that the Rural Fire Department is working on adding a fire station on Fox Road. They have acquired the property and obtained permission, but they need to raise money for the project.

#### 4. **Old Business**

**Assessment for 2023 at \$87 per year per lot** - Jim Doolittle reported that the assessment was raised by 10% to \$87 for 2023, due to increased costs of snow plowing and gravel road maintenance.

**Road Maintenance/Snow Plowing Cost Share with Landowners on Gravel Roads** - The Association pays 70% of the costs for maintaining and plowing Great Pine Hill, the landowners pay 30%. The costs for So. Rim and Canyon View are split 50/50 between the Association and the landowners. At a meeting with gravel road residents in January 2023, it was agreed that the landowners on those roads would be in charge of finding contractors willing to bid for services and put them in touch with the Board.

5. **New Business**

**Lana Bartel's Resignation** - Jim Doolittle read Lana Bartel's April 19, 2023 resignation letter and advised that the Board accepted her resignation effective July 12, 2023. Lana was thanked for her many years of exemplary service to the Association.

**New Bookkeeper** - Jim Doolittle read Elizabeth (Libby) Sherman's letter of interest for the position of bookkeeper and discussed her qualifications. Jim advised that the Board agreed to hire Libby effective July 12, 2023.

**Community Yard Sale** - A community wide yard sale will be held August 19, 2023, from 8am to 2pm.

**By Laws Changes** -

Clerical Errors - Terri Bolin read the proposed changes to the By Laws to correct clerical errors and omissions.

ARTICLE II.

DEFINITIONS

Section 1. The following words shall have the following meanings when used in these Bylaws:

(h) "Covenants" shall mean and refer to the Protective Covenants applicable to the properties recorded by Declarant on **01/31/2013** in the office of the Clerk and Recorder of Lake County, Montana, under Microfile No. **526474** together with any and all amendments thereto.

Justification: Clerical fix

ARTICLE IX.

MEETING OF THE MEMBERS

Section 3. NOTICE OF MEETINGS. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice, except that written notice of any meeting called for the purpose of approving assessments pursuant to Article **V**, Section **7** of the Covenants shall be given not less than thirty (30) days nor more than sixty (60)

days before such meetings. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Justification: Clerical fix. Changed from Article IV, Section 4. Article IV does not deal with Notice of Meetings. Article IV pertains to Water System and there is no Section 4 in Article IV.

#### ARTICLE XIII.

#### ADOPTION OF COVENANTS

The Protective Covenants applicable to the properties recorded by Declarant on **01/31/2013** in the office of the Clerk and Recorder of Lake County, Montana, under Microfile No. **526474** together with any and all amendments thereto are by this reference made a part hereof as though set forth fully at this place.

Justification: Clerical fix

Andrew Speer objected to the procedure claiming that signatures were needed and that copies of the changes should have been available for all attending the meeting. It was established that there is no signature requirement, and that copies of all the proposed By Law changes were mailed to each landowner along with notice of the meeting and proxy ballots.

It was moved and seconded that the proposed changes to correct clerical errors in the By Laws be approved. A vote was taken by a show of hands. Approved 66, opposed 5. The motion was approved.

Change to Section VII, §5 Regarding Frequency of Board Meetings - Terri Bolin read the proposed change to Section VII:

#### ARTICLE VII.

#### DIRECTORS

Section 5. REGULAR MEETINGS. Immediately following the first annual meeting and each subsequent annual meeting of members, the Board of Directors shall hold a regular meeting at the same place for the purpose of organization, election of officers and the transactions of other business. Notice of such meeting is hereby dispensed with. Other regular meetings of the Board of Directors shall be held **quarterly at a minimum**, without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Justification: Monthly is not always necessary.

Tracy Nebeker moved to accept the proposed change to the frequency of board meetings, and Martina Nolte seconded. There was discussion regarding the proper procedure, setting a dangerous precedent, and preserving the record. It was established that the proper procedure was being followed, and that the proposed changes had been mailed to all landowners with proper notice. Lowell Bosshardt called for the question. A vote was taken by a show of hands. Approved 77, opposed 7, abstained 6. The motion was approved.

Martina Nolte read from the By Laws adding her interpretation. Lowell Bosshadt declared the discussion moot.

Article IX, §1 Regarding Date of Annual Meetings - Terri Bolin read the Article and proposed change:

#### ARTICLE IX

#### MEETING OF MEMBERS

Section 1. ANNUAL MEETINGS. The first annual meeting of the members shall be held within six months from the date of incorporation of the Association, and each subsequent regular annual meeting of the members **may** be held on the same day of the same month of each year thereafter, at the hour of 7 o'clock p.m.; provided, however, that if the day of a given annual meeting is a legal holiday, such meeting will be held at the same hour on the first day following which is not a legal holiday. At the initial annual meeting, and at all subsequent annual meetings, there shall be elected by secret written ballot of the members, a Board of Directors in accordance with the requirements of these By-Laws. The members may also transact such other business of the Association as may properly come before them at such organizational or annual meetings.

Justification: Historically the annual meeting has varied by month. This has never been an issue.

Jim Doolittle explained that prior annual meetings were held at various times of the year. Due to the number of summer residents in JMLA the meetings were changed to be held during the summer to allow those residents an opportunity to attend. Tracy Nebeker moved to accept the proposed change, and Kathy Johnson seconded. A vote was taken by a show of hands. Approved 60, opposed 6. The motion was approved.

Article IX, §4 Regarding Quorum Requirement for Election of Board of Directors Only - Howard Farquhar read the Article and proposed changes.

#### ARTICLE IX.

Section 4. QUORUM. The presence at the meeting of members or of proxies entitled to cast one-half (1/2) of all votes of each class of membership shall constitute a quorum for any action except Board Director elections; provided, however, that if a quorum is not present at the first meeting called for the purpose of approving assessments pursuant to Article **IV**, Section **1** and Article **IV**, Section **4** of the Covenants, another such meeting may be called within thirty (30) days, subject to the notice requirement set forth in Section 3 hereof, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. If not otherwise provided herein, and if such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting to a date within thirty (30) days of the meeting, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented. The members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment notwithstanding

the withdrawal of enough members so that less than a quorum is present, and the members then remaining and entitled to cast votes at such meeting shall constitute a quorum in connection with conducting of such business prior to adjournment. Election of Board Directors requires a simple majority vote of members present or represented by proxy at any annual meeting. In computing the total power of the Association for the purposes of these By-Laws, the Articles and Covenants, voting rights which have been suspended in accordance with the Covenants and these By-Laws shall not be counted.

Justification for Board election separation: The original Bylaws were too restrictive when requiring a majority of a 50% quorum for this action. Historical data shows that this quorum has rarely been met, therefore indicating a need for an adjustment to better align with reality for this low impact action. This will help ensure that we get duly elected Board Directors who can in turn carry out Association business without pause.

Justification for Article and Section Changes: Changed from Article IV, Section 1 and Article IV, Section 4. Article IV does not deal with Quorum. Article IV, Section 1 is Water System Ownership and there is no Section 4 in Article IV.

After discussion, Greg Perkins moved to accept the proposed change and Tracy Nebeker seconded. A vote was taken by a show of hands. Approved 70, opposed 14. The motion was approved.

**Increase in Annual Assessment for 2024** - There was discussion regarding the Board's proposal to increase the annual assessment from \$85 to \$150, effective January 1, 2024. Members asked why such a large increase was needed. Jim Dolittle explained that in addition to excessive road maintenance and snow plowing costs, our mailboxes have been maxed out for at least two years. With the number of new homes under construction the Association needs to install one to two more sets of boxes, including package delivery boxes. Approximately three years ago, these boxes cost around \$1500, plus the cost of pouring concrete and installation. Additionally there are serious issues with dead or diseased trees on Association land creating a serious fire hazard. The costs of dealing with these trees could run tens of thousands of dollars. Some landowners felt the increase is excessive, especially for the gravel road residents who are also having to share in the cost of road maintenance.

After discussion, Greg Perkins moved to increase the annual assessment to \$150 effective January 1, 2024, Ron Miller seconded. A vote was taken by a show of hands. Approved 59, opposed 38. The motion was approved.

**Other Concerns** - There was discussion regarding the hot, windy, dry weather we are experiencing creating a fire hazard. Members were encouraged to mow their property, even though there is no requirement to do so. At the very least mow a 30 to 40 foot perimeter around buildings, and limb your trees up 15 feet. Jim suggested Members look at Lots 4 and 75 to see what happens when trees are taken down at a cost of thousands of dollars or hundreds of hours of work.

Members asked about community volunteer days to work on taking down trees on community land. Lynnette Gruenfeld agreed to organize the next volunteer day.

**Election of Board of Directors** - Steve Bolin announced the names of those running for election, Pauline Baran, Jim Boyer, Martina Nolte, Sean Reffner, and Andrew Speer. Each candidate was given a few minutes to introduce themselves and state what they can bring to the Board. Steve again asked if there were any nominations from the floor, and Tracy Nebeker volunteered and introduced herself.

A vote was taken by secret ballot. Terri Bolin and Diane Farquhar worked diligently tallying the votes. Due to the lateness of the hour, most Members left the meeting right after submitting their ballots. The verified tally is:

Pauline Baran - 75

Sean Reffner - 73

Tracy Nebeker - 50

Jim Boyer - 48

Martina Nolte - 39

Andrew Speer - 33

The top three vote getters, Pauline Baran, Sean Reffner and Tracy Nebeker are duly elected to the Board of Directors effective immediately.

The meeting adjourned at approximately 10:00 p.m.

Minutes approved: August 2, 2023

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Pauline M. Baran

# Jette Meadows Landowners Association Annual Meeting, July 12, 2023

## Addendum to Minutes

Board members Tracy Nebeker and Pauline Baran met on July 30, 2023, at 2:00 p.m., to decide board positions. Sean Reffner participated via email and text message.

There was discussion regarding board positions and the board members agreed on the following:

Tracy Nebeker, President; Sean Reffner, Vice President; Pauline Baran, Secretary

The new board members are to be added as signers to Jette Meadows Landowners Association's bank accounts at Whitefish Credit Union and Unity Bank. All prior board members and/or signers on those accounts are to be removed.

Addendum to Minutes approved: August 22, 2023

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Pauline M. Baran