



Pinto Point Owners' Association

Priest Lake, Idaho

Vacant-Chairman (Acting Chairman – Denny Christenson) / Jim Bell-Vice Chairman/ Jeff Christenson / Bryan Dearden / Jim McLean / Dave Tewel / Melanie Mikkelsen / Jim Bell / Jan Tewel - Secretary

PINTO POINT OWNERS ASSOCIATION ANNUAL MEMBER MEETING AGENDA

July 20, 2019 10:00 am

Legacy Lot 209,

47 E. Pinto Point

Road Road,

Coolin, ID

- 1. Meeting called to order – Denny Christenson at 10:00**
- 2. Introduction of new Board Members/Officers – Denny Christenson**

New members Melanie Mikkelsen and Jim Bell were introduced. Jim could not attend. Denny mentioned Jim is our Vice Chairman and introduced all the board members present. Denny emphasized that he's the acting chairman and the board welcomes members to let us know of their interest in serving on the board.

- 3. Approval of PPOA Annual Member Meeting Minutes dated 7/28/18 – Denny Christenson.** 2018 Member Meeting Minutes approved as written.
- 4. Guest Speakers**
 - a. Milfoil.** Kim Holzer from the Idaho State Department of Agriculture was invited to present information regarding the safe removal of milfoil & other noxious aquatic plants, without further spreading them. Kim was not able to attend but can be reached at: kim.holzezr@isda.idaho.gov for further information.
 - b. Priest Lake Incorporation –** Loel Fenick gave a presentation on the history of his efforts to gain interest in incorporation of the Priest Lake by the cabin owners. He is concerned with the amount of interest in commercial development at Priest Lake. Currently the Chamber of Commerce is the only body controlling the development of lots not owned by IDL or private parties. He will provide information to all interested on all that he has done working toward a Priest Lake Community incorporation to enable the private property owners of Priest Lake to control how the lake is developed. Please email pintopointsd@gmail.com for more information.

5. Reports

- a. **VAFO** – Denny gave an update regarding the VAFO. IDL plans to continue offering VAFO's through 2024. Thirty more lots are up for VAFO on August 7, 2019 at 1:00 pm. After 8/2019, 283 lots will have been purchased including 5 unleased lots on the east side of Priest Lake. After 8/2019 79% of Pinto Point lots will have been purchased One unleased lot, Lot 209, is being offered at this year's VAFO and after 8/2019 there will be currently 9 remaining leased and 2 remaining unleased lots on Pinto Point.
- b. **Priest Lake Road Department** – Denny there are 3 board members of the road district, one from each of the 3 neighborhoods served by the roads. He also advised that two lots in our neighborhood have not paid their 2019 Road Maintenance Fee. Tom Clevenger is the contact for payments.
- c. **Fire District** – the East Priest Lake Task Force is currently studying the formation of a new fire district to serve the 5 formerly IDL neighborhoods and the Diamond Park subdivision that current without fire district protection. The task force is very active and may be seeking grant money to help finance necessary upfront legal and other expenses.
Fire Pumps – There are 3 fire pumps in our neighborhood: Lot 218 –Mager (currently inoperative), Lot 214AA –Tewel and between Lot 214E – Daniewicz and Lot 214C – Banks. See attached map for locations and contact info.
- d. **Property Taxes** – Denny reported that on February 4th District Court Judge Cynthia Meyer ruled in favor of 28 property owners who appealed their 2017 land assessment and one who appealed his 2016 land assessment. The 29 appellants have received property tax credit and court costs. The Judge ruled that Bonner County erred in using meandering line frontage measurement to determine property values and erred in rejecting IDL sales as legitimate comparables. The assessor's office determined the Court ruling only applied to the 2016 assessments for 1 appellant and the 2017 assessment for the other 28. The assessor has continued to reject auction sales as legitimate comparables and continues to use meandering line frontage measurement. Generally, assessed improvement values increased while land values are a mixed bag; some went up-some went down. PLCOA has yet to determine if they will facilitate another District Court appeal. Ford Elsaesser is unable to represent us due to out of the country work and has had few folks contact him about an appeal.
- e. **Bonner County Vacation Rental Permit** – Denny noted it applies to rental between 2 weeks and up to 1 month per visit. County scans vacation rental websites such as VRBO and Hometogo. Visit Bonner County Planning Dept website for more info.
- f. **Noxious Weeds** – Bonner County Weed Manager Chase Youngdahl spoke to us about noxious weeds during last year's meeting. He mentioned the County rents a weed sprayer for \$30/day and told us about Biological Control Agents (bugs) that can be used to help control Knapweed. Chase can be reached at (208) 255-5681.

6. New Business –

a. **Proposed CC&R changes - Denny**

Denny presented a brief history of the CC&R's and the suggestion to include proposed CC&R changes to the Bylaws instead of the Declaration of CC&R's (CC&Rs). This suggestion was made due to Priest Lake Cabin Owners Assoc. study to become an HOA that would include all the individual neighborhoods which would then become neighborhood councils. That process could possibly eliminate our changes to the CC&R's.

After a lot of discussion, it was moved, seconded and voted that proposed changes to the CC&R's remain in the CC&R's, since the CC&Rs take precedence over the Bylaws. A motion & approval was made for the changes to remain in the CC&R's.

Article XVIII, A of the draft PPOA Bylaws will be removed and the amendments to the CC&R's will be made to Article 3 of the Declaration of CC&Rs.

Proposed amendments to the Declaration of CC&Rs include the following changes to Article 3 Construction Standards and Use Restrictions.

3.5 Permits: Construction Standards. - the current setbacks, which were adopted from the Cottage Site Handbook, are 25' for front setback, 15' side setback. IDL was enforcing 15' side setback for primary dwellings (buildings with permanent provisions for living, sleeping, eating, cooking and sanitation) and 5' side setback for other buildings. Owners have also been given a variance for smaller front setback due to the shallow lots on Pinto Point when Bonner County building permits are issued. A proposal was made to change the side setback for other buildings to 5', as historically enforced by IDL and consistent with Bonner County Code. After discussion a motion was made & vote taken to approve this change for the side setback of Other Building to 5'. Some discussion was made regarding restricting the maximum size of Other Buildings but it was agreed that research would need to be done regarding current Bonner County Zoning Codes & this will be address in a future meeting.

3.9 Article 3 Standards regarding fencing – the current CC&R's are ambiguous regarding fencing and IDL has not allowed fencing. A proposal was made to change the verbiage to no fences are allowed. A motion was made and vote taken to approve this change.

3.12 Article 3 Standards regarding vegetation – the current CC&R's do not address vegetation standards to maintain the natural beauty of the lake and protect the lake from pollution. The proposed changes were discussed, motion made & vote taken to approve this change.

3.13 Article 3 Standards regarding Quiet Time – the current CC&'s do not address Quiet Time. After discussion, a motion was made & vote taken to approve quiet time from 10:00 pm to 7:00 am.

The discussion of these topics included a confusing exchange about how many votes are required for approval. Subsequent reading of our CC&R's provides the following clarification:

Declaration of CC&R approvals noted above were in accordance with the quorum and voting stipulations in the existing 2016 Bylaws. However, Article 6 paragraph 6.2 of the Declaration of CC&Rs states a resolution to change the CC&Rs requires 67% approval of the total allocated votes of the Association to approve CC&R changes. The CC&Rs have precedence over the Bylaws. There are 53 lots in our subdivision. The 3 State owned lots are not members so there are currently 50 PPOA members. 67% approval equals 34 votes to approve. 30 members attended the meeting therefore formal approval was not possible.

CC&R approval votes taken during the annual meeting shall serve as an informational vote informing those not in attendance of the CC&R amendment approval of members present at the annual meeting.

b. PPOA Bylaws Amendments – Denny reported that our current Bylaws were approved in 2016. He mentioned the Board has been working with an attorney to help us comply with establishing our neighborhood as a non-profit corporation as specified by the Declaration of CC&R's authored by IDL. The attorney recommended several changes to the Bylaws approved by our membership in September 2016. The bylaws have evolved from 2016's 4-page document to the proposed draft 13-page document. Articles have been added, expanded, and renumbered. Denny listed the draft Bylaw articles that were changed from or added to our 2016 Bylaws. Those changes included:

- a. Draft Bylaw Article XIII allows the Bylaws to be changed with a majority vote of the Board of Directors. That's a change from Article IX of the existing Bylaws that state the Bylaws can only be amended with a 67% vote of the Association. After discussion it was moved, seconded and approved to delete the majority vote of the Board language from the draft Bylaws and replace it with the 67% approval language currently in Article IX of the existing Bylaws.
- b. Draft Bylaw Article VI, Section 9 defines a quorum as a majority of the votes entitled to be cast. It goes on to state a majority of votes at a meeting at which a quorum is present shall be the act of members. That's different than our existing Bylaws which state in Article V Section II unless otherwise stated in the Bylaws, all actions by the Members shall be by a Majority vote of a quorum of 18 members during a meeting where a vote was taken or a majority vote of 27 members where a vote was taken by ballot or electronically. After discussion it was moved, seconded and approved that the language currently in the draft Bylaws Article VI, Section 9 be deleted and replaced with the language in Article V, Section II, C – E of the existing Bylaws.

It was moved, seconded and voted by members in attendance at our annual meeting to accept the draft Bylaws with the changes noted above.

The discussion of these topics included a confusing exchange about how many votes are required for approval. Subsequent reading of our CC&R's provides the following clarification:

Article IX Section 1 of our 2016 Bylaws states an amendment to the Bylaws requires 67% approval of the total allocated votes of the Association. There are 53 lots in our subdivision. The 3 State owned lots are not members so there are currently 50 PPOA

members. 67% approval equals 34 votes to approve. 30 members attended the meeting therefore formal approval was not possible.

Bylaw approval votes taken during the annual meeting shall serve as an informational vote informing those not in attendance of the Bylaw approval of members present at the annual meeting.

Further information will be included with these Minutes as attachments to this email.

5. The meeting was adjourned at 12:08 pm.

FINAL COMMENT – Due to the confusion during the annual meeting about requirements to change the CC&R's and Bylaws, the PPOA Board of Directors will discuss members' recommended approval to those documents and will follow up to our members with additional information.