



BIG SKY OWNERS ASSOCIATION

Board of Director's Meeting Minutes – Friday, November 10, 2023 – 9:00 AM

Big Sky Owners Association Board of Directors met on Friday, November 10th, 2023, at the Big Sky Owners Association office in Big Sky, Montana. Directors in attendance included Chair Clay Lorinsky, Kenny Holtz, Walt Andrews, Vanessa McGuire, and Will Brennecke. Directors George Mueller, Maggie Good, Michelle Horning, and Morgan Brooke attended virtually. Staff members in attendance included Suzan Scott, Kyle Pomeranke, and Emma Lawler. Ron Edwards with Big Sky Water & Sewer District and residents on Little Coyote Road and Upper Chief Joseph Trail were also in attendance. Emma Lawler recorded the minutes.

1. Call to Order: Chair Clay Lorinsky called the meeting to order at 9:05 AM.
2. Membership Forum: The Little Coyote Traffic Safety Group, a group consisting of 80 BSOA homeowners on Little Coyote Road, were in attendance to address concerns with road safety and increased traffic volume on Little Coyote Road.

Project Manager, Emma Lawler, updated them on the various efforts that the BSOA has been working towards, including recently installed signage deterring through-traffic and obtaining a contractor to construct speed tables in three locations at a reasonable rate. Sources of funding were discussed, including fundraising through BSOA's Benefit Big Sky (BBS), and potential funding from the Big Sky Resort Area District (BSRAD). There was a question regarding BSOA's surplus in last year's budget; however, it was explained that the remaining funds were not designated for this purpose.

A question was raised about the difference in cost and availability for asphalt speed tables. It was explained that the design requires concrete and poses limitations on contractor availability, especially during the TIGER grant construction that occurred this past summer. Also, because of speed table grading, they cannot be constructed with anything other than concrete, per County requirements. The Group asked that a subcommittee be formed to further address traffic safety concerns. The Board considered their request but instead designated Emma as the staff member to address ongoing communication with the Group. It was suggested that a representative from the Group attend regularly scheduled monthly Board meetings, which would satisfy the need and avoid forming another subcommittee. Also noted was that Little Coyote Road traffic mitigation will continue to be on the monthly Board agenda for discussion and ongoing issues.

3. September Meeting Minutes:



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Motion made by Maggie Good to approve the September Board meeting minutes; seconded by Kenny Holtz. Motion passed unanimously.

4. Finance and Audit Committee

A. FY23 Year-End Financials: Maggie Good reported on the year-end financials and mentioned that last year was extraordinary for revenue, with the anticipation that this will not be the case for the current fiscal year. The extra cash has been placed in BSOA reserves, which may be designated to the Pond Project and employee housing, or other programs and projects. There were no unusual expenses from the year. No further comments were made.

Motion made by Kenny Holtz to accept the year-end financials, pending the audit; seconded by Walt Andrews. Motion passed unanimously.

B. October Financials: The BSOA financials for the start of the fiscal year are in good standing. It was questioned whether Big Sky Water & Sewer District (BSWSD) and Big Sky Community Organization (BSCO) be invoiced for their requested amendments to the Sweetgrass Hills Covenants, as this action by the BSOA incurred additional costs and time spent by staff during the annual election in August.

Motion made by Kenny Holtz to absorb the additional costs for the Sweetgrass Hills covenant amendments on behalf of BSWSD and BSCO; seconded by Walt Andrews. Motion passed unanimously.

C. Ponds Cash Flow: Construction work will be invoiced monthly until P&S completes their portion of the project in January of 2024. There are funds available in the Pond reserve; however, the Board has yet to determine whether the current \$88,000 shortfall in the ponds reserve will be taken from another reserve account or come from grants and BBS fundraising to cover the first phase of construction. Several grant applications were submitted during the Fall cycle. It was recommended to reassess the required amount in the Pond Maintenance reserve.

D. Auditor: Kyle presented proposals from potential auditors for the fiscal year 2023 BSOA audit.

Motion made by Will Brenneke to approve Rudd & Company to do the 2023 audit, subject to review of the contract upon receipt; seconded by Walt Andrews. Motion passed unanimously.



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Motion amended by Maggie Good to hire Rudd & Company for a three-year period. Motion accepted.

- E. Receivables and Assessments: No further comments were made.
- F. New Members List: No further comments were made.
- 5. Staff Report – October/November: Suzan Scott reported that there were two strong candidates for the open position of Communications, Outreach and Development and that the position will be staffed within two weeks. No further comments were made regarding the staff report.
- 6. Chairman’s Report
 - A. Old Business
 - i. Pond Project:
 - a. Timeline: The timeline of the Pond Project was presented, including a late September start date to be completed at the beginning of the new year. The restored West Fork stream bed is anticipated to be completed in November. Dredging in the pond area will occur soon after.
 - b. Water Rights Agreement: The final version of the agreement was sent to the Legal Committee (LC) with no further comments from BSWSD’s attorney. Ron Edwards was present to update the Board that the land acquisition from Northwest Energy that is included in the agreement is slowly moving along.
 - ii. Benefit Big Sky (BBS): Shortly after the new Communications, Outreach and Development position is in the office, a BBS meeting will be scheduled to discuss the website and fundraising.
 - iii. Design Regulation Revisions: There were no further comments on the updated and approved Design Regulations that were approved at the October Board meeting. It was noted that the version approved in October has been fully executed.
 - iv. BSAC Review Fee: The new fee schedule was presented.

Motion made by Maggie Good to approve the BSAC review fee schedule increases, effective immediately; seconded by Walt Andrews. Motion passed unanimously.

- v. Traffic Mitigation Efforts Update: A third bid of \$100,000 was received for the speed tables on Little Coyote Road, which is considered high for this type of project. The next step will be for Stahly to reopen a bid-letting period in December. Signage deterring through-traffic was approved and installed. The portable driver feedback sign continues to monitor and collect data on daily volume and average speed.



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- vi. Sustainability – Wildlife Pilot Study: Last fiscal year, the Board approved funding to be taken out of the Sustainability Committee reserve to pursue a wildlife study in a critical focus area. These funds were not expended. As of Oct. 1, 2023, BSOA is in a new fiscal year, and a request was made to reallocate the money for this purpose.

Motion made by Will Brenneke to reallocate up to \$5,000 to support the wildlife study; seconded by Kenny Holtz. Motion passed unanimously.

B. New Business

- i. Little Coyote Road Trail to the Community Park: Staff recognized there is no barrier between the new sidewalk built along Little Coyote Road (LCR) and is inches from the road leading to the Community Park from MT 64. Also noticed was the location of the new street crossing in the area of the proposed BSOA Pond parking lot, which was modified and moved closer to a blind curve. As built, the crossing and sidewalk are dangerous and winter conditions will further compromise the safety and use of the sidewalk and crossing. This was discussed at the recent Legal Committee (LC) meeting. It was reported that a fact-finding meeting was held with BSCO and proposed a joint group be formed to include BSRAD, the Big Sky Chamber, BSOA, and BSCO to find a solution to these safety issues. A joint letter to the County expressing concern and resolution was proposed.

As recommended by the LC, a draft letter to Gallatin County was presented to the Board. After review, a modification was suggested that included statements that support the project as a whole, asking for coordination and resolution to this issue, stating that although the project is in BSOA jurisdiction, the BSOA was not involved in the design or construction of the project, and therefore, are not liable for any incident that may occur due to the unsafe conditions. It was also recommended that the crossing be moved to its original location. Clay Lorinsky, George Mueller, and Kenny Holtz will work together to redraft the letter, but first provide input from the Board before sending it to the Gallatin County Commissioners.

- ii. Upper Chief Joseph Pullout: Property owners from outside the BSOA jurisdiction proposed an after the fact pullout and a widening of the road at no cost to the BSOA. It was mentioned that this turnout would encroach onto BSOA open space. The Board requested that it be engineered properly but is supportive of the partially built, temporary stop-gap solution. The property



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owners will landscape the area and clean up the site after the winter to ensure erosion control.

Motion made by Clay Lorinsky to accept the after the fact pullout, gravel, and concept, adding the temporary pullout is for safety, subject to submitting engineering plans to ensure the longevity of a final, complete pullout no later than August 1, 2024, with a progress report by mid-March; seconded by Kenny Holtz. Motion passed unanimously.

- iii. Gallatin Building Association Annual Meeting/Vote: As owners of a unit in the Gallatin Building, a BSOA vote, and annual meeting attendance is requested.

Motion made by Kenny Holtz to have Emma Lawler represent the BSOA at the GBOA Annual Meeting and nominate her to the Gallatin Building Owners board.

- a. Good Deeds Program: It was mentioned that the BSOA should consider placing a deed restriction on short-term rentals as a way to earn additional income on the unit that BSOA owns. The Big Sky Community Housing Trust will pay up to 10-15% of the value of the unit in exchange for deed-restriction. It was expressed that any kind of restriction on the deed may reduce the unit's value. To have a clearer idea of the benefits, Emma Lawler will work with Becky Brockie from the Housing Trust to present the Board with a benefit analysis on a short-term rental deed restriction on the unit, as well as the negative effects from the proposed restriction.
7. Standing Committee Reports
- A. Executive Committee - No Meeting: *No comments were made.*

*******Vanessa McGuire left the meeting at 11:48 am.*******

- B. Legal Committee - Meeting: 10/11/23 - *Cascade Rope Tow*: The property owner has obtained a lawyer. Dave Weaver is to provide legal counsel on this matter for the BSOA. The issue still resides between Boyne, Inc., and the property owner. *Jurisdiction questions*: staff will have title work done to determine jurisdiction on questionable properties. *Rainham Case*: the case is back in litigation again due to the opposing party adding 160 acres to the lawsuit. *Moose Wood Road application*: a C&D letter was sent to the applicants over a location change to the building site and driveway. BSAC will have a meeting to comply with the 10-day requirement



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to determine a way forward on the project. Vanessa McGuire has a conflict of interest in the matter.

- C. Nominating Committee - Meeting: 10/07/23 - BSAC Assignments were determined.
- D. BSAC - Meetings: 09/21/23, 10/19/23, 11/02/23 - Review Fees: No further comments were made.
- E. Ponds Subcommittee - No Meeting: *Nothing to report.*
- F. Sustainability Committee - Meeting TBD - *Flatiron, Wildlife Study, 191/64 Traffic Optimization Plan, Best Practices Manual*
- G. Wellness District - Meetings: The group is collecting signatures for the various petitions. Staff will send out a mailer, emails, and phone calls to obtain signatures.
- H. Benefit Big Sky (BBS) - No Meeting: The bylaws are registered in Gallatin County, and not yet in Madison County.

8. Other Business:

- i. Next Board Meeting: December 15, 2023
- ii. Global RID: The progress memo from Sam Luedke on the plan for the Global RID in Mountain Village area in Madison County was presented. No further action was taken.
- iii. Conflict of Interest Forms: Suzan reminded the Board that Conflict of Interest Disclosure Forms should be filled out and submitted to the BSOA office for the new fiscal year.

9. Adjourn: Meeting adjourned at 11:55.

Maggie Good, Secretary