



BIG SKY OWNERS ASSOCIATION

Board of Director's Meeting Minutes - Friday, October 15, 2021 - 9AM

Big Sky Owners Association Board of Directors met on Friday, October 15, 2021 at 9 AM in the Big Sky Owners Association office in Big Sky, Montana. Directors in attendance included: Chair John Gladstein, Vice Chair Gary Walton, Kevin Daily, and Kenny Holtz; Directors in virtual attendance included: Grant Hilton, John Stowe, and Eric Ossorio. Members in virtual attendance included: Brian Lerner and George Mueller. Other attendees included: Art Wittich. Suzan Scott, Kyle Pomerence and Tammy Estensen represented staff; Amy San Nicolas attended remotely. Tammy recorded minutes.

1. Membership Forum: As representative for the Lerner/Montana Bram, Art Wittich asked the Board to check with legal representation to make sure that the guidelines apply to this property. Mr. Wittich referenced Section 3 of the BSAC Design Regulations and claimed that the Lerner were doing fire mitigation at the request of North Fork HOA, and extending a utility across an easement that was approved by Northwestern Energy. He questioned if BSOA had the ability to tell owners that they can't do that and stated that the application was not appropriate based on that.
2. Call to Order: Chair John Gladstein called the meeting to order at 9:12am.
3. Minutes: Board Meeting - August 20, 2021

Motion was made by Gary Walton to approve the August Minutes; seconded by Kevin Daily. No further discussion. Motion passed unanimously.

In an effort to be respectful of members' time, the New Business item for Lerner Cease & Desist was moved earlier in the meeting.

***** Renee Lerner joined the meeting at 9:13 *****

B. New Business

- iii Lerner C&D & September 3rd Special Board Meeting - Gary Walton, as chair of BSAC, summarized the events that led up to the Cease & Desist order, stating that staff had been in contact with the member regarding construction taking place on their property and they were informed of the covenants that say that before disturbing the land, it needs to be reviewed by BSAC. Notification of a special meeting, scheduled for 9/30, was mailed certified/return receipt, but inadvertently did not get emailed, as per protocol. The member contacted BSAC on 9/29 saying they had just become aware of the meeting and asked for a meeting continuance until 10/7, but did not intend to cease work. Request was not granted. Procedure is to kick it to the Board to determine the action of member who have installed utilities, as they have the right to do, but cleared a huge swath of



trees, which they were not approved to do. If the work has been completed, BSOA could no longer order them to cease, but could fine at this point. Amy San Nicolas stated that the member should submit a reclamation plan. John Gladstein requested moving to Executive Session, inviting Mr. Wittick and the Lerner's to join.

Motion was made by Gary Walton to move this matter to Executive Session; seconded by Kevin Daily. No further discussion. Motion passed unanimously.

***** Board went into Executive Session at 9:24 am *****

***** George Mueller left the meeting at 9:24 am *****

***** Board resumed meeting at 10:26 am *****

***** Eric Ossorio left the meeting at 10:26 am *****

***** Amy San Nicolas left at 10:30 am *****

B. New Business

- i. Nominating Committee Charter – Revision – Suzan presented the updated Nominating Committee’s recommendations.

Motion was made by Gary Walton to approve the modified Nominating Committee recommendations as presented, leaving the placement of George Mueller and Eric Schwartz out for follow up discussion; seconded by Kevin Daily. No further discussion. Motion passed unanimously.

***** George Mueller re-joined at 10:40 am *****

John Gladstein asked questions of George Mueller to make sure he understood the commitment of the position and if would be available to serve. George confirmed.

Motion was made by Kenny Holtz to approve George Mueller to the Nominating Committee; seconded by Gary Walton. No further discussion. Motion passed unanimously.

- ii. Board Committee and Officer Assignments – Suzan presented the change in Committee Charter from “The Nominating Committee shall consist of two Directors...” to “The Nominating Committee shall consist of at least two Directors...”

Motion was made by Grant Hilton to amend the Committee Charter from “two” to “at least two”; seconded by Kenny Holtz. No further discussion. Motion passed unanimously.



4. Finance and Audit Committee:

- A. September Financials – Kyle Pomerence reported the financials. There was discussion about some remaining CDs for performance deposits. Gary Walton questioned whether or not the amount we are holding in trust exceeded the protected insured limit.
- B. Receivables & Assessments – Kyle Pomerence reported that receivables balance is very manageable.
- C. Acct. #07156: Write Off Debt

Motion was made by John Stowe to approve the financials and the write off the debt of Account #07156 for \$420.78 as recommended by the Finance Committee ; Gary Walton seconded. No further discussion. Motion passed unanimously.

- D. New Members List
 - E. Update: 990 Late Fees and Penalties
5. Staff Report: August/September
6. Chairman's Report:
- A. Old Business

- i. LC Road – Traffic Calming Cost Estimates – Kevin reported that we received bids from Morrison-Maierle and Stahly for the engineering work required to complete a Gallatin County permit application for the installation of three speed tables on Little Coyote Road. Noting that the scope of the bids was similar and that the firms were equally qualified, Kevin recommended Morrison-Maierle as it was the lower bid. Finance Committee will review options how to fund.

Motion made by Kevin Daily to approve the cost estimate from Morrison-Maierle for the engineering work on the Little Coyote speed tables. Kenny Holtz seconded. No further discussion. Motion passed unanimously.

- ii. LC Bridge Repair – Cost Estimates

Motion made by Kenny Holtz to approve the bid from Morrison-Maierle, up to \$7,000, for the engineering work needed to repair the bridge; Gary Walton seconded. No further discussion. Motion passed unanimously.

- iii. Aspen Grove Road Signs

Motion made by Kevin Daily to approve the Aspen Grove plan for signage as presented. Gary Walton seconded. No further discussion. Motion passed unanimously.



- iv. Big Sky Development & Water Sustainability – Suzan referenced a previous Board motion to hire a consultant to advise the BSOA regarding sustainability efforts, and informed the Board that the newly hired person for the front office position has a background in sustainability and, along with the newly created Sustainability Committee, will be able to support this effort.
 - v. Annual Meeting Election Results
7. Committee Reports
- A. Executive Committee – No Meeting
 - B. Legal Committee – No Meeting
 - C. Nominating Committee – Meeting: 10/12/21
 - D. Strategic Planning Subcommittee – No Meeting
 - E. BSAC – Meetings: 09/30/21, 10/13/21
 - F. BSOA Advisory Committee – No Meeting
 - G. BSCO Trails –
 - H. Ponds Subcommittee – No Meeting
8. Other:
- A. Resort Tax Community Forum – Oct. 26, 4:30pm-9pm
 - B. It was noted that the November Board meeting was changed to November 12.
 - C. Gary Walton talked about an issue that came up in the BSAC regarding larger tracts coming in where a member wanted to submit plans for a driveway first, and then the home plan. It was stated that the procedures do not allow for this and the BSAC can't set precedents. It was determined that the issue would need further discussion.
9. Adjourn:

Kenny Holtz made a motion to adjourn the meeting, Kevin Daily seconded. With nothing further to discuss, the meeting was adjourned at 11:43 am.

John Stowe, Secretary