

ELKSTONE OWNERS ASSOCIATION, INC
Special Board Meeting
September 21, 2015, 1 p.m.

Roll Call

Meeting was called to order at 1:05 pm MT.

The following attended via telephone:

Nicole Pieterse - moderator

Lee Hooper

Elizabeth Barth - transcriber

Wesley Link

Tom Musselman

Dan Dockray

Frank Howard

Preamble

Nicole Pieterse gave the attendees the background for the meeting:

- On August 5, 2015, the Elkstone Owners Association, Inc. (the “EOA”) Board of Directors adopted Animal Control Rules and Regulations (the “Pet Policy”).
- On August 7, 2015, Lee Hooper, who is the president of the HOA, distributed the Pet Policy to all EOA members via electronic communication.
- On September 6, 2015, three (3) violations of the Pet Policy were observed by Frank Howard, who is an employee of the EOA property management company.
- On September 7, 2015, these violations were reported to the Board.
- On September 15, 2015, a hearing to consider the observations was noticed to members of the EOA.

It was noted that after the Board had received numerous complaints from members of the EOA about loose dogs within the community, with an occasional incidents of aggression, and failure of members to pick up after their pets. Efforts to resolve these issues had been unsuccessful, and so the Board implemented the Pet Policy.

Nicole Pieterse outlined the order of events:

- 1) Frank was to present his observation of violations.
- 2) Tom Musselman was to present his perspective on his alleged violation.
- 3) If after the hearing the Board determined that legal representation needed to be considered, then the Board would go into executive session immediately after the hearing.

Hearing

Frank Howard

After a verbal recount the sequence of events from September 6, 2015, Frank read a written statement that had been submitted to the Board:

Between 4:00 and 4:30pm I was conducting a unit check of unit 101. From the mid level balcony I saw the owners of #6 and #7 with their dogs off leash. I politely asked them if they were aware of the recent changes to the pet policy. They both replied with a “no” until I informed them that their pets needed to be on leashes in the common spaces, including the street. Steve Wagner replied that the dogs were in their yards and didn’t need to be leashed. I informed him that if the dogs left the yard, even for a second, they were in violation of the pet policy. I also reiterated that the revised policy had been emailed to all owners within the last month, to which Tom Musselman replied “Oh that? Yeah, I saw that email. I sent it to my attorney. Good luck!” At that point I informed them both that I was just doing my job and ensuring that the policy was being enforced fairly. As I closed the door I heard Tom say to Steve, “You hear that shit?”

I left unit 101 and began to place the trash and recycling bins on the street for pickup when I heard a dog ball kicked from their direction toward me. Sure enough, both dogs belonging to Tom Musselman had chased a ball that was deliberately kicked all the way up Elkstone Place and into the flower beds in front of unit 104. I tried to snap a photo of the two dogs off leash and the owners at the bottom of the street but a gray SUV pulled down the street blocking my view. When the SUV stopped at #7 Tom Musselman had returned inside to avoid having his photo taken. As I returned inside to grab more trash and recycling bins Steve Wagner entered through the garage doors, using the new key code, and confronted me about taking his picture. He then informed me that he has been diligent about cleaning up after his own dogs and some others, that he is not going to leash his 14 year old golden retriever, and asked why I was taking photos of him.

I informed Steve that my job is not to make policy or exceptions, but to enforce policy without exceptions. I let him know that I do not want to be the bad guy, but that some people are not being responsible pet owners and cleaning up after their dogs, or keeping them under control around other animals. I basically confessed that Tom Musselman’s behavior is ruining it for the other pet owners. On that we agreed.

Following this incident I did get an opportunity to take photo of Tom outside his home with the dog off leash in the street. This photo was taken between 5 and 5:30pm.

Tom Musselman

Tom admitted he took the pet policy request too lightly and going forward will take things more seriously. Tom explained that he has lived here years before Elkstone 21 was developed, and this is the first time a pet policy has been implemented. He informed the attendees he is moving from the community because he is very unhappy with the HOA and the new membership. He does not particularly like management and suggests they probably don't like him. He is moving because he feels the pet policy will depreciate property values. He wants enforcement of the policy to be consistent, and he will take pictures of other violations. He doesn't know what to do about Steve Wagner's aging dog. Tom adds that he has observed renters with pets, which is a violation of the pet policy.

Discussion

Nicole Pieterse asked for questions/statements from the additional attendees.

Lee asked about the additional dogs in the area. There was no real comment on additional dogs.

Lee informs Tom the EOA will dismiss the violation with a warning if Tom will respect the pet policy. Lee respectfully disagrees with Tom's comments on the management team.

Elizabeth explains the background on the policy and reiterates that Tom should feel comfortable emailing her with pictures or information on pets.

Conclusion

Nicole advised the board to make a motion to conclude the hearing.

Lee made a motion to dismiss the three violations of Section 6 of the Pet Policy with a warning. Lee suggested there is insufficient information to determine if there was a violation of Section 5 occurred. Lee further proposed that Tom is responsible for all costs associated with this process, but Sterling will split these costs Tom Musselman.

Wes Link seconded the motion.

Unanimously approved.

Adjourned, 3:41 p.m. MT

Draft minutes submitted by Elizabeth Barth

The foregoing minutes of the September 21, 2015 Elkstone Owners' Association Special Board meeting were APPROVED the 9th day of December, 2015.

ATTEST:

 _____ Wes Link, Secretary