

# MINUTES

## GOAT PEAK RANCH OWNERS ASSOCIATION BOARD MEETING

DATE: 2 March 2022

**Directors Present:** Jeff Kluth, President; Michael Johnston, Secretary/Treasurer; Ken Russ; Director; Gary Perna, Director; Warren Bingham, Director; William Maloney, Director; Michael Bain, Director

### **Call to order/establishment of a quorum.**

There is a quorum present and the meeting was called to order at 1830.

**Water Trailer Liability:** During the 19 February 2022 general meeting there were some concerns about using the water trailer and liability. The question was should the Board have our attorney develop a waiver of liability? There was much discussion and Jeff made a motion to develop a "Disclaimer of Liability" ourselves. Bill seconded the motion and the motion passed with 100%.

**Weed Control:** The issue of weed control was handed to Bill Melony and he accepted the job. He has the contact information on the vendor that does the weed control now.

**Road Work:** When the snow is clear of all the roads the Board members need to look at all the roads in order to have a plan on the next 3 to 5 years of road repair. Once we know what needs to be done Central Paving will be called and will work with them to get quotes. We will need to mark some of the corners better next fall.

**Buy in Fee:** Michael brought up should the association develop a "buy in fee" for new owners. Will look into what is "normal" for home owner association. Good support for the idea at this time.

**Early discussion of new budget:** Will be tabled until we know the road work needed.

**Can an owner advertise their business:** It was decided that an owner can advertise their business to the association owners. The Board will send the e-mail advertising so that the e-mail list is kept secure.

There was a long discussion regarding a text Jeff received from Scott Davidson referencing our CC&Rs and an “eyesore” across the street from his property and the actions Jeff took. The applicable section is section 7 having to do with “Each tract shall be maintained in a clean, slightly condition at all times and be kept free of litter, junk, trash, etc...”

The text and email back and forth is documented below.

***Text from Scott to Jeff Kluth***

Sat. Feb 26. 2:08 PM

Hello sir, just wanted to touch base regarding our CCRs and HOA. I listed my property for sale and was informed that there’s apparently an eye sore across the street so the buyers are no longer interested. Something about a rusted up trailer and aluminum lean too. Any idea what they are talking about ?

***Text from Jeff Kluth to Scott***

Sat Feb 26 3:45 PM

Yes I do and for CC&R issues we need to use email. I will follow up on this with an email to the board and the owner and will copy you. I should have it out by the end of day tomorrow. Based on the last year I doubt you’ll have much problem selling it.

***Text from Scott to Jeff Kluth***

Appreciate it.

**Jeff called Heidi to discuss the complaint. Later that day Heidi called Jeff back and asked him to come visit the property and point out what Scott was referencing being an “eyesore”.**

Email chain follows between the HOA board, Scott and Heidi

**From:** Goat Peak ROA <[gproaboard@gmail.com](mailto:gproaboard@gmail.com)>

**Sent:** Sunday, February 27, 2022 12:59 PM

**To:** Heidi

**Cc:** [Scott](#) , [Michael Johnston](#) , [Ken Russ](#) , [Mike Bain](#) , [Gary Perna](#) , [Warren Bingham](#) , [Bill Maloney](#) **Subject:** [Trailer and lean-to on your property at corner of Rams End Lane and Big Horn Way](#)

Hello Heidi and Mike,

Just following up on our phone call today regarding the trailer and the lean-to by the corner of Rams End Lane and Big Horn Way.

I received a complaint about the area not being in compliance with our CC&Rs. I attached the relevant section below for your review.

It sounds like based on our call you have plans for the trailer but you are able to move it to an area where it won't be visible and you have plans to build a structure to house it.

Can you reply back to all and let us know when you can get that area cleaned up ?

Thanks very much for your attention to this matter,  
Best Regards,  
Jeff

### Reply from Heidi on Feb 27

Hi Jeff and GPR members,

After our discussion today and your inspection of our property with my husband, we have questions about the validity of our non-compliance issues with the HOA rules.

The little vintage trailer is not abandoned. We built a roof over it to protect it from weather damage. There is no trash or unsightly mess around it.

If we did move it, it wouldn't be covered by the roof or protected without having to rebuild the roof. We disagree that it is in violation of the CC&Rs.

There are many properties with visible RVs and trailers within the HOA. I feel that we are being singled out for this one and I don't think we should have to move it.

As far as getting the area cleaned out, I assume you are talking about the stuff inside of the big open metal carport. We are planning on building a shop as well as a

carport to house all of our vehicles and equipment. This includes the boats and trailers, snowmobiles, backhoe, and the little vintage trailer. The big metal carport will become housing for the sawmill we have on order. The sawmill will be used to mill the lumber for the structures. So the timing of the structures is contingent on whether we can get the sawmill in time to build before winter. It's supposed to be here in 6-8 months. So I guess it's safe to say the area will be "cleaned up" completely (meaning vehicles and equipment moved out of sight) by September-October of 2023 or sooner if we can get the structures built.

We have no garbage or other rubbish laying around. So in the meantime, we will do our best to keep it as tidy as possible and in compliance with the codes.

Thank you,  
Mike & Heidi

## **Reply from Mike Bain**

Heidi,

I am in agreement with you on this. And this is a serious area of concern many of us have regarding some of the subjective ccrs in this development. I know exactly what you are talking about and agree with you completely. I would like to have further discussions with other members of the board regarding this issue. We walk a dangerous line of trying to tell everyone their business out here and I don't like it at all. What you and Mike are doing on your private property is of no business to the rest of us if it does not inflict on our property or our rights. We are under no requirements to have to financially enforce ccr's as subjective as this. I will be a strong advocate for property owners individual rights over the perceived visual aesthetics of other members as they pass by on the road. Please feel free to give me a call to discuss this further so that I may take your concerns forward to the full board for further discussion

Mike

## **Reply From Mike Bain**

I believe we should know who filed the complaint. It would be useful information for Heidi and Mike to know who was visually offended by their lot and the reasons for it. I don't like the anonymous snitching culture that is being fostered here. We can discuss all of this further on Wednesday as we have very differing views on this topic. Until then, I would advise Heidi and Mike not to respond to anything until a clearer direction has been established by the board. Thank you for the correspondence.

Mike

## **Reply From Heidi**

Jeff and Mike,

Thank you for your responses. I have read and am fairly familiar with most of the CC&Rs. We do our best to comply. Jeff, I contacted you when we were preparing to build the shop and in the midst of the garage remodel. I explained to you about the belongings and misc stuff that we had to move out of the garage so that you would be aware of our plans and not think that we were just going to leave the stuff visible and stacked about the property. We had a setback on the shop construction as I have explained, but have cleaned everything up as best we can in the interim. There are several codes that I have observed are in violation on many of the properties here, and there is no enforcement. Some of the codes seem outdated, ignored, or are just plain ridiculous in my opinion such as the removal of "*weeds*". I am not a big fan of using herbicides, so do you realize how much time I spend pulling dandelions? I will never be able to control all of them! What about the paint color? I brought that one to your attention last year. We have evolved and grown since 1979. Forty-three years is a long time to keep the same rules in place in an ever-changing environment. Maybe a thorough re-evaluation of the codes are needed now. I think the wording could be improved to be more clear and concise as well.

Thanks for listening,  
Heidi

## Reply from Scott

All,

I believe this has escalated way further than I intended. I had put my property up for sale and someone that was interested drove by.

The response I received was that they weren't interested due to the trailer and lean too. I asked Jeff if he knew what they were talking about since I'm stationed in Alaska and can't just drive by to see first hand. Jeff said he knew what it was and stated he would send an email in regards to it. I wasn't trying to anonymous snitch or tattletale on anyone.

I have to agree with Heidi that our community has far out grown these bylaws set forth in 1979. People don't move to Cle Elum to be under Seattle rules/guidance or thumb of people that wish to live like they are still in Seattle. I also believe that 89 properties is too many to keep everyone happy. I understand that being on the board is a thankless job no matter the time you put in.

I understand that not one person will care, but this all together contributes to why I'm looking to sell. We constantly discuss not having enough money, yet when we all talk about a fire trailer and the cost, we move forward and purchase it. Then it comes to light that the trailer cost more than expected, but the board made the decision to move forward anyway. This is the same situation with mailboxes...the association paid for some in the community to get a box. The solution is always raise the dues or a special assessment.

Maybe things would be different if I lived there year round.

Sorry my inquiry has caused so turmoil for the group.

Scott

## Reply from Mike Bain

Scott,

Sorry to hear that you are looking to sell and I completely understand with the sentiment you shared. Thank you for being honest in your letter, as I do believe our current HOA board is very much out of touch with many of our residents here. Hopefully we are able to get some changes accomplished in the coming years but also hopefully we don't lose out on more good people leaving before that. Thank you again for taking the time to express the sentiments you did and for sharing your thoughts. All we can do is try and hopefully become better neighbors to each other. Take care in your future endeavors.

Mike Bain

## Reply from Jeff Kluth

Scott,

Can you confirm for everyone then that I misunderstood your message that started all this regarding your potential buyers no longer being interested based on what they saw, and that you do **not** have a CCR complaint regarding Heidi's property ?

## Reply from Scott

All,

I merely asked a question after I received a message from the potential buyer. I'm typically pretty easy going and am not trying to stir the pot by any means. In fact, I think that most of our CCRs and HOA compliance issues are BS. I think that there are MANY things through the association that a blind eye is turned too, but this is the hill we want to charge.

To clear this all up...I could honestly give a rats ass about the Stone family's vintage trailer or whatever is it that caused all of this. I asked a simple question and this is how it was handled. Like I stated previously, I purchased this property to move out of Seattle...yet here I am.

I think the board probably has their hand forced on most of these issues and I really don't envy the position that you're in. I'm sorry that this has spiraled out of control the way it has.

Scott

Michael noted that there have been 5 time since 2004 that Section 7 has had to be addressed in some fashion. Note; 11 Nov 2004, 28 Aug 2004, 11 May 2013, 9 Nov 2013, and 17 June 2020.

There was a **long** conversation about the CC&Rs being outdated, not always enforced, over enforced, and needing an update to these very old CC&Rs.

Jeff explained in detail the process for amending both the CC&Rs and the By Laws and encouraged Mike Bain to instigate the process for CC&Rs which he felt were outdated and out of touch.

The process includes first writing up proposed amendments, review by the board, a legal review, and finally notifying all owners in advance of a vote by the owners. Jeff pointed out that while it's a lot of work it can be done.

Jeff also explained that in recent years the board has not pursued CC&R violations unless an owner brings a complaint to the board. In the latest case, Jeff interpreted the initial contact from Scott Davidson as a complaint.

Two or three Board member made it known that the CC&Rs may be old but that they are still valid even in 2022. Warren noted that the US Constitution is much older and is still a good document. It was noted by Michael Johnston there are 3 properties that should be address once the snow is gone. There were a number of decisions agreed upon (not motions).

1. The Board will speak in one voice to the owners
2. The Board will look into possible violations of the CC&Rs this spring and summer.
3. It would be good for someone to work on clarifying the CC&Rs.

Mike Bain said that he would be willing to talk with owners that may be having issues on compliance.

**Scheduled Next Meeting:** Needs to be soon.

**Adjournment:**

With no further business, the meeting was adjourned at 2030.

Respectfully submitted for Board Review and approval at the Board meeting.

Michael Johnston  
Secretary/Treasurer