

# Board Meeting

## Session I September 27, 2021 and Session II October 4, 2021

# Minutes

The meeting was called to order by President John Cannon at 5:03 pm.

Present in person at the Western Mountains Property Management office or online were all directors: John Cannon, Bill Whitsitt, Stuart Cole, Dena Brunskill and Aaron Rudio. Others present were; Property Manager David Roberts; Landscape Committee Chair Kristy Whitsitt and members Gee Gee Allred and Pat Miller; and, residents Dru and Tim Renschler, David McIntyre, Jim Miller and Marilyn Kirby.

President Cannon noted the presence of a quorum and the resulting waiver of any notice question.

Minutes of the previous August 17, 2021, Board meeting were considered. With one accepted correction offered by Dena Brunskill, on a motion by Bill Whitsitt seconded by John Cannon, the minutes were approved unanimously.

President Cannon described a recommended change to the agenda in which a second session would be added to the meeting (with date and time to be determined). He explained time constraints for the current meeting, including the need to accommodate a discussion by Dru and Tim Renschler about their crawlspace water issue, a normal Landscape Committee report and initial 2022 budget planning. No Board member objected to the proposal.

Dru and Tim Renschler presented information on crawlspace water issue they are experiencing. Described as increasing significantly in 2019, water flow was described as reaching some 250,000 gallons per month in the summer. The Renschlers said that they had contracted in 2019 with a company to help solve the problem. Part of their solution was to place two new sump pumps below the existing crawl space.

The Renschlers discussed their view that the water is seeping from an adjacent common area pond. They requested permission to discharge their pumped water into the pond.

Board member Bill Whitsitt and Property Manager David Roberts discussed steps being taken to better assess the causes of the Renschlers' problem. These included touring the area with a recommended hydrologist who is preparing a proposal on how to assess the cause of the increased water flows. Investigation has been requested of Bigfork Water and Sewer District with respect to any potential leaks in the District's older water pipes in the neighborhood. Part of the rationale for the BW&SD request was recent disclosure of pressure issues in various neighborhoods and higher water table levels documented in Eagle Bend West.

Dena stated that the Renschlers told her that they were told they could not participate in a first look at the area by the consulting hydrologist. Dave Roberts and Bill, the persons present at the hydrologist inspection, disputed the truthfulness of that statement. David Roberts said that he had invited Board member Bill Whitsitt and Design Review Committee representative Dawn Underwood to join the walk-around on short notice to help share

background information that might help formulate a study proposal. Bill had brought the Renschler matter to the Board's attention previously and at the meeting assured the Renschlers, who had not known of the walk-around in advance, that there was no exclusion intention. He said that they will of need to be involved going forward, as the Renschlers and he had discussed in a meeting the following day.

Aaron Rudio asked about timing of a pond drawdown, given that Flathead Lake and River levels are dropping. The matter was discussed, including pros and cons of changing the pond level prior to understanding how that might affect a baseline for any near-term hydrologic examination.

Discussion ended with informal agreement that Dave Roberts would inquire as to whether a permit of any kind would be necessary before allowing the Renschlers to discharge in to the pond next to their property. The property manager would contact the hydrologist to ask about the permit question, pond draw-down and whether or how dye placed in the pond might provide more information as to any potential pond-related causes. He would also report on the request made to Bigfork Water and Sewer.

Kristy Whitsitt, Landscape Committee Chair, spoke briefly about the periodic Committee report provided in writing in advance of the meeting. Key points included thanking the Board for its support and guidance toward the completion of contemplated major landscaping projects and encouraging sound professional maintenance to protect the resulting significant project investments going forward.

Marilyn Kirby asked to discuss a neighborhood incident in which she was involved. She said that there would be legal action as a result of the incident. Mrs. Kirby asked for a copy of a letter summarizing the incident that President Cannon had drafted for the Board after talking with all incident participants, including Jim and Marilyn Kirby. President Cannon said the Board would be consulted about sharing the letter.

The remainder of the meeting was devoted to Treasurer Stuart Cole's preliminary overview of 2022 budget items and item outlooks.

Several Board members agreed on the need for a work session to more fully examine and refine budget projections. There was informal agreement to schedule such a session as soon as possible.

Session I of the meeting was declared adjourned at 6:12 pm.

Session II of the meeting occurred on October 4, 2021 at 5:00 PM MT and was attended by John Cannon, Bill Whitsitt, Stuart Cole, Dena Brunskill and Aaron Rudio. Others present were; Property Manager David Roberts. Bill and Dave attended in person at the office of Western Property Management; all others appeared via video-conference.

John noted that all board members were in attendance and by virtue thereof, notice was waived.

John opened the meeting with an inquiry regarding the status of the Renschler's requests for assistance regarding flooding in their basement/sub-space and, specifically, their request to drain their crawlspace water into an adjacent pond connected to the marina and lake. The

board discussed the retention of a vendor to address an analysis and permitting of any work by the Renschlers. The vendor first contacted, it was reported, declined to take up the project. Dave reported he was in communication with the Renschlers as well as a new consultant. Dena suggested that the board should consider contacting a “leak detection” company. The board briefly discussed the differences between hydrology consulting and residential leaks from faulty plumbing.

John next addressed the draft of the annual meeting minutes and requested input from all directors. Dena and Bill stated they would review and revert with comments. Stuart suggested that the minutes were non-traditional in that they were longer than most board meetings. The board discussed the advantages and drawbacks of short vs. longer minutes for the annual meeting.

John next raised the proposal to adopt a “code of ethics” and a “director responsibilities” memos. The board discussed each proposal in turn. Aaron stated that he did not like lists of “do not’s”. John suggested that the directors review the materials and that the board would vote on the proposal at the next meeting.

The board next addressed the Kirby/Underwood incident. Dena recounted her involvement with Marilyn Kirby being upset and crying and her writing an email to the board stating that Underwood committed criminal acts and that Bill needed to resign from the board. Specifically, Dena wrote: **“A terrible incident happened in our neighborhood yesterday afternoon that needs to be addressed ASAP. The ramifications of which could be both legal and criminal. At the very least it should require the resignations of a Board Member and a Member of the DRC.”**

John reminded Dena that in response to her allegations related to criminal acts, director removal, that he had investigated the incident by contacting the persons who witnessed events first-hand and, based thereon, found no facts demonstrating that there were any criminal acts nor any grounds for any director removal, which could not be done without a vote of the community. Bill asked Dena why she would write such an email given its inflammatory tone and rhetoric and that it made allegations not based on facts. Dena in turn at first made an additional inflammatory accusation against Bill, calling him a “bully”, which Bill responded to in turn. Dena also stated that she made her comment to get the Board’s attention because she believed the situation required immediate handling. Dena also held up photos of Bill’s home from the perspective of the adjacent Kirby property and complained that about what the Kirby’s had to see from their property.

John reminded the directors that based on the investigation and according to Mr. Kirby, the dispute between the Kirbys and Underwoods was not an HOA issue. Dena disputed the summary of the investigation because, in her view, it did not support her friend Marilyn Kirby’s side of the story although Dena also acknowledged she did not know the Underwood’s version of events. John stated that he summarized both sides versions of events. John reiterated that this was not a HOA board issue and that the board is not an arbitrator of neighbor personal disputes.

The board discussed procedural and confidentiality issues and appropriate corporate governance.

The request by Mrs. Kirby for a “letter” written to the board in confidence was considered. John inquired as to why Dena informed Mrs. Kirby of confidential board communications. Dena initially denied doing so but then acknowledged mentioning it generally to Mrs. Kirby. The board did not waive its agreement to maintain certain communications in confidence.

The board next turned to the directory. John provided input from Montana legal counsel that the directory should be in hard copy and provide names and addresses for the properties. John discussed issues with liability risk if a digital list is hacked or breached or used for improper purposes and contains personally identifying information. Dena said she was aware of other HOAs that used a consent form and offered to distribute samples.

The board next revisited the issues of finances and preparedness for the annual budget and fees. Extensive discussion ensued and it was concluded that the board would address the final budget at the next meeting on October 25, 2021.

Session II of the meeting concluded at approximately 7:00PM MT.

Minutes prepared by:

Bill Whitsitt - Session 1  
John Cannon - Session II

Approved by Board Vote 11/22/21

  
Bill Whitsitt, Vice President