

# EAGLE BEND WEST COMMUNITY ASOCIATION INC.

## ORGANIZATIONAL MEETING

August 14, 2023

### WESTERN MOUNTAINS PROPERTY BOARD ROOM

Present for the meeting were Dena Brunskill, Chris Walthall and available via ZOOM was Dave Conti. Also in attendance was Property Manager Dave Roberts. Dena called the meeting to order.

***Election of Officers:*** Chris made a motion to nominated Dena to the office of President this was seconded by Dave Conti, and the motion passed was unanimous approval. Dena made a motion to nominate Chris to the position of Vice President this motion was seconded by Dave and the vote was unanimous with all in favor. Chris made a nomination to nominated Dave Conti to the office of Treasurer and seconded by Dena and this motion passed with unanimous approval.

Dave Roberts will update the website. When the committees are decided he will then fill in the names.

***Committee Chairpersons for Design Review Committee:*** Dena has talked with Tracy McIntyre, and she is willing to be a liaison and help with the new committee. Dena will talk with the Design Review Committee regarding their materials that need to be turned over. Dena also informed the Board that the Design Review Committee chairperson Dawn Underwood had a bad accident and is healing and so obtaining the paperwork may not happen quickly. The Board discussed various candidates that could fill this position and Mark Adlers name came forward. Mr. Conti said he had talked with him, and he may be willing to serve as the Chairman on this committee.

There are only two (2) projects under construction right now, the Sander's and the Noel's. The Riddle's have asked architect George Gibson to draw up a plan to expand their homes onto the empty lot next door. Dena said there are some in the community that want to go back to the original Design Reviews and delete the newer guidelines. Dena said she is not sure what all the changes were. She proposed that the new DRC chairperson conduct a two (2) month study on the guidelines and give the Board their suggestions. The Board has the right to change the rules in the Design Review. Mr. Conti will get back to the Board as soon as he has a commitment from Mark. He was wondering if there were some examples from the homeowners that they were not happy with. Dena said she did not have a list, but one item was that some homeowners had to pay as much as \$20,000 to submit new drawings and that the Design Review Committee was always asking for more than was necessary. The new construction homeowners would know all the red tape and a good source of information. Dave Roberts said it is all about the interpretation/delivery by the Design Review Committee and Dena agreed. Mr. Conti said that is

why he wanted specific items and it just may be in the delivery. Chris said they were running it like a building department and told people they could cloud their title if they did not build a certain way. The Committee were interpreting the rules. Chris went on to say the important issues are the colors, setbacks, and only an addition of five (5) or six (6) items. The Noel's were told they could not remove their dead trees as they had to have a certain number of trees on their property. Other options for candidates that may serve on the Board would be Pam and maybe Craig Noel or the Riddle's. Mr. Conti said it is how the Board presents it to the committee stating we are not a police state, but the Design Review are guidelines.

Chris asked Dave Roberts about the process of new construction. Dave said the drawing are submitted along with a \$5000 check and then Joe Magaddino, a local architect reviews these plans. Dave said he was not sure if Mr. Magaddino looks at all the covenants as he is looking at just the structure. Dave Roberts suggested that when they deliver the plans, he would take them to Mr. Magaddino and that would eliminate one step for the Design Review Committee who in the past delivered them to Mr. Magaddino. After the plans are approved then Dave Roberts could take them to the committee for their final review.

Dena suggested that the Board use the Riddle's plans and follow the steps and evaluate the process and make sure this is what the Board wants. It may not even take two (2) months to conduct the study, as using an existing project in place may be a great study. There is a computer program that Tracy McIntyre is using that organizes all the data. Dave Roberts was aware of this computer program but not sure if Dawn purchased this on her own, or if EBWCA purchased it. He will check his records and report back to the Board.

The previous financial records were discussed, and Dave Roberts said that he does all the work and then sends it to the Treasurer. Dave Roberts provides the reports monthly to the Treasurer and then when Mr. Conti comes into town Dave Roberts will meet with him and go over the process. Dave Roberts does the mailings and all the deposits. Chris has asked Stewart Cole to be the Budget and Finance chairman under Mr. Conti and this is something that Stewart is good at. Mr. Conti loved having the help and when he comes in September he will meet with Dave Roberts. Stewart Cole's bio information will be sent to the members of the Board. Chris will meet with the finance committee and report back to the Board.

Dena asked Buggy to help with the Board Meeting agenda. Dena and Buggy will work on this together. Dena would like to review all the Old Business issues and where the projects that were discussed stand. Dena does not want items to get dismissed that are not resolved. Dena's goals for the Board is to be practical, efficient, and beneficial to the community. Dena would like a "Who-What-When" Report of unfinished items as things continue to get dropped off, keep those things on the agenda. Chris will look at unfinished items and report back to Dena.

**Budget:** Dave Roberts said he will start working on budgets for the different HOA's around **November**. He develops proposed budget for the Board and then it is reviewed. The proposed budget will go to Mr. Conti first and then to the rest of the Board for their review. The Board can

discuss rate increases and what repairs did not happen in the previous year that need to be included in the budget items. Once the Board approves the budget then it is posted, and it cannot be changed. Mr. Conti and Stewart Cole can look at the budget and make recommendations and determine what the Reserve levels should be and if dues should be raised.

Dena said this past year we had all the Board meetings posted on the website for the community to see and would like to continue this practice. The first meeting after the Annual Meeting is an organizational meeting and then The Board will begin budget planning. **EBWCA budget is finalized in October** and then it goes out to the membership. November 1st is the deadline for the budget to be finalized and to the members as this is stated in our CC&Rs. Dave Roberts will update the calendar and distribute it to the Board and then the website.

The Board discussed how homeowners should communicate any problems that they are experiencing. Dave Roberts said usually owners call him and then he discusses it with the Board. Everyone agreed that the Board should be eliminated from the process. Homeowners should call Dave's office and the Board can advise him.

Open Items that are Outstanding: Dena listed the various topics that have not been resolved and is asking the Board to work on getting the following items done.

1. Voting changes
2. Member directory
3. McIntyre flooding
4. Renschler flooding
5. Lot line problems for many of the members
6. Stocky White returning of rock to original site

Dena showed a map of the development and showed where the lot lines and the common area behind Riddle's and Raymond's property is not accurate. There needs to be an adjustment to the lot lines and Mr. Raymond wants permission to have his lot line moved and then obtain a title for this adjustment. Some of the lot numbers in the plat are duplicated making it very confusing and Dena would like to change this.

The common areas are being taxed by Flathead County as buildable property and these are not buildable and should have another tax rate as only common area.

The area by the MAC was discussed as a corner of the tennis courts are on EBWCA property. Chris said the Board should ask the MAC to work with us and pay for the maintenance in this area.

The quarterly Newsletter needs to continue to be written. Bill Whitsitt did this in the past and it came out every two (2) or four (4) months. Dena said a quarterly Newsletter would be fine and maybe a section from the Board that views what we have accomplished and what we are working on. She would like each Board member to contribute an article. Mr. Conti said a quarterly potluck would be great as this brings the members together. This could be Board sponsored and happen in the middle of the month.

Mr. Conti said also brought up an idea for all new homeowners. He would like a committee to be formed that welcomes their new neighbors. All new neighbors should get a welcome packet and a membership directory. All homeowners need to welcome these new owners and even put them in the Newsletter. Dena agreed and would like to have a couple of women form a welcome committee.

Chris brought up the aquatic weeds in the canal stating that it is a real problem and not sure how much the Board has to do with this. The homeowners that live along the canal have formed a group to help with this problem. There is a new type of grass growing and it could potentially block our pumps as this canal water flows into our ponds which also is the large pond where the water feature is located. Chris is worried that this will get worse and is questioning to what degree should the community get involved. Dave Roberts explained that the Eagle Bend Yacht Harbor owns the canal and every year for the last eight (8) years they have been using a chemical called Sonar One to keep the aquatic weeds down. They spend \$18,000 a year for this chemical and the Yacht Harbor allocates four (4) tubs to the canal. This chemical must be spread when the dam is up. The chemical is in the form of a pellet, so they go down the canal with a boat and disperse it. The issue is they do not detail it around people's docks and cannot go down the canal as far as canal street. The homeowners who live along the canal would like to disperse pellets that are close to their personal docks which is not being done. This would take more chemicals and the owners would be responsible for dispersing it themselves around their private docks. In the past the Yacht Harbor has paid for the chemical and not charge EBWCA. Dave said that the pumps being clogged is not new. This always happens in the harbor every year with their pumps, and they are pressure washed during the summer season. This year the problems are more compounded as lake level is down, and this allows more aquatic weeds to grow.

***Trimming of Trees:*** The Board has secured a bid from Creed Westphal who came highly recommended from homeowners who have used him in the past. He does tree trimming and has been in the valley for 45 years and specializes in hard-to-get trees. He comes with ladders and ropes and will haul away the branches. He does not have a chipper or a large boom just more manual labor. Mr. Westphal gave EBWCA a bid for 23 trees. Chris, Kevin and Dena met and found that the number was 30 trees that needed to be trimmed. Mr. Westphal said he would trim all 30 trees for \$1950. These 30 trees are located on HOA property, but he will do any of the homeowners' trees for \$100. The Board has received his insurance and has presented this to Dave Roberts. There was a previous bid from Trees for Life, for the same number of trees and their bid came in at \$8850. They will not be able to do the work until the end of the season and Mr. Westphal will be able to come next week. Chris would like to have this done soon as the Motor Coach people say that the trees scratch their coaches as they move to it. Chris made a motion to hire Creed Westphal and get the trees done immediately. Dena seconded the motion. Mr. Conti asked if they were bonded and insured. Dena has forwarded all the insurance information to Dave who has checked out their insurance. Roberts said that Trees for Life trims them a little difference, but the Board needs to decide if the difference is worth the difference in cost. The Board voted and the motion passed with all in favor.

***Renschler Water Issue:*** Chris gave the Board some background to this water problem. The Renschler currently have four (4) sump pumps under their house and around four (4) years ago the volume of water picked up and they complained to the Board. This issue has not been resolved and discussed over the year, but no solution has been found. The Board had talked with a hydrologist for an opinion but there was nothing in writing, just a conversation. Chris was advised by a contractor to talk with Martell construction as they are a firm that handles water problems. Martell construction has gone into the Renschler crawl space and investigated, and they were not able to say that it was in fact ground water, and it is possible that the pond is leaking. There was a situation when the pump was clogged that the pond dropped two (2) feet that the sump pumps in the crawl space, only came on every 26 minutes versus every two (2) minutes on a daily basis. Chris then talked with retired insurance adjuster Dan Purcell and then he advised Chris to call the insurance company and ask for an Error and Admission form and file a claim. The pond is 32 years old and never lined and is a earth pond. Is the pond leaking? The insurance company will come and investigate. Martell said the best way to determine if this is ground water or water from the pond is to have it analyzed. Water is taken from the crawl space and then water is taken from the pond and the cost is \$100. Tim Renschler was a hydrologist and so they are familiar with how much water is coming in and how to measure it. Mr. Conti said they should call their insurance company and they should make the determination. He felt that they should start with their insurance company. Dave Roberts asked if there were issues with the prior owners? He also said that there is a big difference when they installed the two sump pumps as they dug down three (3) feet, and they already have a high-water table that is a big difference. They bought the home and for four (4) years they did not have a problem and suddenly there was flooding in the basement. The pond has always been unlined and has always been there as it is on the same level. In the winter there is no water in the crawl space and Dave Roberts says the river is also down 11 feet. Conti says this is an area where the Board does not have any experience. In the June board meeting John Cannon asked Dave to called the insurance company to “make notice of a circumstance” and this is not a claim only a notice. The Board agreed that the Renschler’s should go to their insurance agent first and Dena said let’s not take over the problem and see what the Renschler find out. Dave Roberts asked if it would mitigate some problems if they put their discharges back into the pond. Dena said that months past they asked if they could dig a trench and put the water back into the pond. The lawyer drew up papers and it was so confining that the Renschler’s did not agree to all the conditions. The Board decided to ask the Renschler’s to conduct a water test and then The Board can see if the water is coming from the ground or the pond. The homeowners need to prove it first and then come to the HOA and after this the Board will make a decision on how to proceed. Dena will write a letter to Renschler’s and explain the situation and that the Board is advising them to test their water.

Some of the neighbors in EBWCA received a “Dear Neighbor Letter” from EBW homeowner Kevin Kleckner. The Renschler’s were one of the neighbors that received the letter, and they gave this to Dena who presented it to the Board. Dena read the letter out loud to the Board that Kevin had written. He had 15 points that he addressed according to his viewpoint of the problem. After the

letter was read Mr. Conti stated that he did not like the delivery, but he did not disagree with the message. He agreed that the Renschler water problem may not be an HOA issue but a property owner issue, and the HOA should not take on the responsibility and we cannot make a decision until the facts are given to the Board. Dena did not feel this was helpful to the community, more helpful, send it to the Board. Dena said that the Renschler's wanted to work with the HOA and Mr. Conti said that is good, but the Board cannot be afraid of the test results, let's see what happens. If the test results come back inconclusive it is not on the HOA to solve this. Chris will contact Ryan at Martel and ask them for the name of the person who will conduct the water test. Dena will write a letter and deliver it to the Renschler's.

Chris made a motion to approve the August 10, 2023, Annual Meeting minutes as presented, and Dena seconded the motion. The motion passed with all in favor.

Chris asked about the women's toilet at the Pavilion. Davd said that it needs to be replaced and has a plumber coming. Dena said there is also a leak in the kitchen that needs to be addressed. Chris said that Mr. Turley was back in town, and he thought he had time to do these repairs. Dave Roberts will call him.

The rock that needs to be returned to its original site on Stocky White's property was discussed. Dave Robert will notify Stocky that this will get done.

Chris said that the three (3) dead junipers at the entrance and the two rocks that need to be replaced back on the retaining wall need to be fixed. Coyote Properties can do this, and Dave said give him time to contact Stocky and then this can all be scheduled at the same time.

Mr. Fraley would like the Board to address the walking path that is buckling due to a tree root. The Board is not sure if the tree is on HOA property. To alleviate the problem the roots, need to be cut and the Board is not sure if that will affect the life of the tree. Dena asked if the Board should have Mr. Westphal look at the tree and see if this would affect the tree. Should it be removed and who owns the tree? The Board will look into this.

Chris said that the social was a success as 36 people attended and a good time was had by all. It was pleasant and there were no problems among the HOA members. Mr. Conti said let's coordinate this in the future and have a social quarterly. All agreed.

Chris moved that the meeting be adjourned, and this was seconded by Dave. Meeting Adjourned at 11:10 am.

Bugsy Yarbrough Recording Secretary