

# EAGLE BEND WEST COMMUNITY ASSOCIATION INC

## BOARD MEETING

May 15, 2023, 5:00 p.m.

### WESTERN MOUNTAINS PROPERTY BOARD ROOM

**Call to Order:** John Cannon attended the meeting by video conference and called the meeting to order. Board members in attendance were Bill Whitsitt; Kevin Kleckner; and Chris Walthall. The homeowner in attendance was Jim Miller along with Property Manager Dave Roberts. Dena Brunskill notified the Board that she was ill and not able to attend.

**Adoption of Minutes:** Bill made a motion to adopt the minutes of the March 13, 2023, Board meeting as presented. The motion was seconded by Kevin and the motion passed unanimously.

**Property Manager Report:** Dave reported on work that has begun in the community. Landscape work has started and the crack sealing on the streets has been done. The streets were swept in April and two potholes on Canal Drive are scheduled to be filled on Wednesday. The lake water is still low but has begun to fill and this will allow the Yacht Club to lower the dam which will bring the water into the harbor. Dave was hopeful that the canal would begin to fill by next week which will allow the irrigation system to begin pumping water into the pond for the waterfall. Lucas Gregory is scheduled to come and service the pump and maintain the waterfall.

**President Report:** The Renchlers are wanting to move forward with their project, and the Board had Randy Snyder draft an agreement, this was forwarded to the Renchlers and hopefully it will be signed. John summarized the agreement stating that it would grant them an easement over the community property to drain their underground water and requires them to maintain this and to indemnify the Association with respect to any cost. They are reviewing this document and hopefully this will work for everyone. John explained to the Board that this agreement will run with the land so if it sells new owners are under this agreement as well and they have the right to the easement and the responsibility for maintenance costs.

**Treasurer Report:** Kevin reviewed the financials for the month of April. Crack sealing came in less than budgeted and the road sweeping was done and was completed on Good Friday. Kevin said that next year he would like to wait a little bit as some of the area was covered with snow. EBW has budgeted for two sweepings and will have another one scheduled. The cost to sweep was \$500.00 and last year paid \$450.00.

The Reserve levels are in line with the Boards commitment. There is \$60,000 in Capital Reserve and \$57,000 in the Operating checking account, and close to \$90,000 in Road Reserve. Dave will secure bids on chip sealing and a complete overlay so the Board can plan for the future.

Kevin has submitted paperwork to Fidelity to purchase a CD for \$25,000. Bill made a motion to adopt a resolution giving the Treasurer and the President permission to transfer up to \$25,000 in reserve amount funds into ladder Certificate of Deposit to increase interest returns on those funds. John seconded the motion and it passed with unanimous approval.

**Drainage on McIntyre Property:** Kevin has contacted the Dirty Deeds Earthworks company to investigate installing a French drain that would run along side the property. He is also looking at culverts that would move the water to drain into the pond. There was discussion regarding moving the water through the drain with the aid of a solar powered sump pump. The Board agreed that the problem needs to be solved and Kevin will continue working on a solution.

**Capital Projects:** Bill reviewed projects for improvement and asked the Board to consider these for either immediate attention or divert to a future date. Items brought up for the Board to consider for the spring of 2023; a new waterfall pump; repairs to culvert erosion along lagoon and erosion on the canal; new signage at the entrance of Eagle Bend West; and landscaping by the fountain. All these projects were placed on hold and will be reviewed in the future.

**Capital Projects Approved:** McIntyre's drainage problem is budgeted at \$4,500. Kevin made a motion to fix the drainage issue in the spring of 2023. Bill seconded the motion and it passed with unanimous approval. The five (5) community mailbox centers were discussed. Chris made a motion to replace all five (5) mailbox centers with new boxes in bronze color tones. Bill seconded the motion and the motion passed with all members in agreement. Signage announcing all

dogs must be on leashes was discussed and Bill made a motion to purchase five (5) signs to be placed within the community. Kevin seconded the motion and the motion passed with three (3) in favor and one opposed.

**Pavilion:** Dave reported that he is still waiting for the insurance adjuster report to see if the roof will need to be replaced. He will keep the Board updated.

**Election Improvement:** Five (5) resolutions have evolved over the last few months. Bill explained that three of the resolutions, involving elections processes, documents and increased transparency, were statements of Board policy that were included on the list circulated in advance of the meeting. He explained that these would require only Board votes. He said that two others on the list, involving cumulative voting and staggered two-year terms, would require the Board to agree to present them to the community for votes to amend CC&Rs and or/bylaw provisions. He said that he did not intend to offer those two because there was not Board consensus on them. Bill moved to adopt the policy resolution on increased transparency/ Kevin seconded it. There was objection by Mr. Walthall. President Cannon also objected, citing changes of position that led to the lack of Board consensus on the two most important resolutions. There was no further discussion or consideration.

**Weed Abatement:** Jim Miller attended the meeting to draw attention to the growth of invasive weeds and grasses in the canal. He would like to find a way to fund this project in the future which would allow for herbicide to be distributed in the canal and along the private docks. After much discussion no resolution was made. The Board agreed it is a problem, but it is too late in the year to make this abatement happen as the dam will be coming down in one week.

#### **Other Business:**

Bill reported on two approved HOA state law changes made during the recent session of the Montana Legislature. One bill that passed would allow a home childcare operation or a group home childcare operation, that would be deemed an approved residential use or residential property. This bill would usurp HOAs CC&Rs.

The second bill that passed is the nonenforcement of written CC&Rs. If certain covenants are not enforced for eight (8) years, they would be deemed to be

abandoned and unenforceable in the future. He said that the Board must continue to remind people of the CC&R rules.

Bill brought the Board up to date regarding the Adam Britt project on Holt Drive and the conflict existing there with Bigfork Water and Sewer. He also discussed the plans for a large recreational boat access site with off Hanging Rock Drive with increased parking and bathrooms. This will replace the current boat launch by the Sportsman Bridge. He said that some HOAs and area residents have begun to focus on the need to require commitments to manage the proposed access site properly, and to prevent overflow parking along Hanging Rock Drive.

**DRC Action Item:** In March the Board had adopted a policy resolution on specific DRC permit language to clarify that construction deposits could only be used to clean up or repair construction-related damage on or to community or neighboring property. Bill advised that more recently the DRC had found that there are other places in the Design Guidelines where the intended clarification should apply, so the policy should be made more generally applicable. Following some brief discussion, Bill moved adoption of the DRC-requested more general policy resolution to read:

Future Design Guideline updates by the Design Review Committee should include in all applicable locations clarification that Construction Deposits can be used only to clean up or repair community or neighboring property.

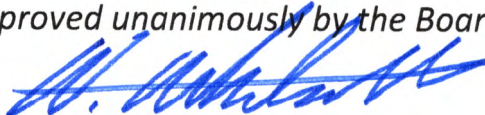
John seconded the motion. The Board voted with three in favor and one opposed. Motion passed.

Bill also advised the Board that he will circulate a draft to the Board for the upcoming newsletter.

Chris made a motion to adjourn, and Kevin seconded the motion and it passed with all in agreement. Meeting adjourned at 7:00

Cheryl Yarbrough Recording Secretary

*Approved unanimously by the Board 6/19/23*

 *6/22/23*

*Bill Whitsitt, Vice President and Secretary*