

EAGLE BEND WEST COMMUNITY ASSOCIATION INC.

June 19, 2023, 5:00 P.M.

BOARD MEETING

WESTERN MOUNTAINS PROPERTY MANAGEMENT

Call to Order: John Cannon called the meeting to order via ZOOM. Board members in attendance Chris Walthall; Dena Brunskill; Kevin Kleckner; Bill Whitsitt. Homeowner David McIntyre and Property Manager Dave Roberts were also in attendance.

NOTICE WAIVER: John announced that the meeting would be recorded and that by attending the meeting all parties agreed to the recording and proper notification of the meeting had been met.

Minutes: Bill made a motion to approve May 15, 2023, minutes as presented, and this was seconded by Kevin. Dena had some questions regarding the minutes and wondered about the chip sealing and the waterfall pump that had been discussed at the last meeting. Kevin explained that these were items for the 15-year Capital Project worksheet. The election improvements were also discussed along with the weed abatement program. John called for a vote and the motion passed with all in favor.

Presidents Report: John announced that the Common area titling process is complete due to the efforts of our legal counsel, Randy Snyder, who upon diligence at the Flathead County was able to do extensive research at the accessor office and found the original documents of the Homeowners Association where annexation to the common area had taken place. This was done by the original developer. No further action is necessary, and it is complete. Dave asked if this was true for all the other HOA in what was the original Harbor Village Community HOA. John was not sure and recommended that each HOA should do some investigation to clarify this for their individual HOA's. Bill expressed some concerns, and these were discussed. John said the Board can address any questions with Randy Snyder.

Property Manager: Dave reported that the flowers have been planted in the marquees and the waterfall is running and irrigation is working, and some repairs

have been made to the irrigation in the spring. Five (5) new dog signs have been placed around the neighborhood. The pavilion roof was replaced due to the hail damage on July 9, 2022, and was covered by insurance leaving only the deductible of \$500 to pay. There has been a repeated problem with abuse in the bathrooms and to date Dave has locked the doors and closed them down. There is an event scheduled and Dave will open it up for that one time.

The timer on the fountain was discussed as one resident had felt that it was running too long in the evening. Dave will check this. A property that is referred to as the "Rally Area" was discussed. This is the vacant area behind the Health Club and the Board discussed where the property lines are. In the vacant lot there is a control box for EBWCA. Kevin has reached out to a surveyor, and he can pin the area from Holt Drive to Marina Way that will establish our boundaries. This may cost the Association around \$400. Kevin made a motion to hire a surveyor to survey the area between Holt Drive and Marina Way. Dena seconded the motion and it passed unanimously.

Treasurer Report: Kevin reported that Black Magic landscape has had some extra charges and the legal fees have reached the amount that was budgeted for in 2023. The Board is still working on the Renschler property. Kevin has opened an account at Fidelity and moved \$25,000 from the Reserve account. He then purchased one Certificate of Deposit for \$12,000 for 10 months at 5.3%. He purchased a second Certificate of Deposit for \$6,000 for 6 months at 5.3% and a third Certificate of Deposit for \$7,000 for 2 years at 5.3%.

The new mailboxes were discussed. Dave explained that there are many pieces to get this project done. He has done this at other HOA's in the valley and his office, along with the Board, will coordinate the work. Dave recommended that a committee be set up that would distribute the new keys to the owners. Dave will find the contractor and then coordinate with the Post Office.

The contractor who works on the pumps mentioned that the lid in the pump house looks awful and the Board discussed replacing the lid. The landscape package agreement with Black Magic expires November 2023 and Kevin recommended that the Board reviews what their rate will be for another two years. He also would like to tighten up our agreement and have more items spelled out such as spring clean-up and the fertilizing of perennials. Chris said we

have a fiduciary responsibility to the members of the community and asked that the Board secure three (3) other landscape bids. Dave recommended that the Board inquire of the other HOA's in the area and obtain reviews on their landscape companies.

Questions were raised regarding the expense of outside legal counsel. The Design Review Committee had hired legal counsel to review issues that they wanted clarification on, and members wondered if this was within their rights as a committee. John said they can hire an attorney and a Board member is not required to attend the meeting. Bill felt that outside legal counsel should be coordinated with the Board or the President as a representative since the Board budgets for and must authorize payment of legal fees. Chris wants to see a copy of Randy Snyder's bill for the closed meeting with the Design Review Committee along with the restaurant charges. He also requested that the Board be given a copy of the minutes of that meeting and wanted to know what was discussed. Upon further discussion John said he had talked with Randy Snyder, and he expressed his concern to Randy about sending a letter out to Mr. Noel before the Board had a chance to discuss the contents. Randy said he would not mail out any future correspondence until the Board gave their permission. The contents of the letter that had been mailed to Mr. Noel were discussed, John said that he had spoken with the homeowner and the conflict had been resolved. Mr. Noel, upon completion of their landscape, will remove the fence and will in the meantime have the area under question mowed. At the time of this meeting the homeowner had not completely complied with all the issues but had agreed that they would be resolved.

Annual Meeting: John sent out a proposal which laid out the format for the upcoming annual meeting. This proposal is hoping to address the poor behavior that ensued at the annual meeting last year. John explained that in the CC&Rs and bylaws the purpose of the annual meeting is to approve the minutes of the previous annual meeting and elect a new board. This year's meeting has therefore been narrowed down and it will just be for minutes approval and an election of Board members. Bill said a proposed draft letter was sent out by John to the Board and a constructive proposal needs to be decided by the Board. Chris had forwarded this letter to 10 people within the community and John questioned why a draft letter would be shared with non-Board members. John said that as the

president he presides over the meeting, and Randy will be there to enforce this. The only legal thing that happens at this meeting is an election, there will be no party, and no speeches. John has confirmed that it is within his right to conduct the meeting in this manner and Randy Snyder has agreed with the language in the draft notice. John made a motion to accept the notice as presented and send it out to all homeowners. Kevin seconded the motion. The vote was three (3) in favor and two (2) opposed. Motion passed. John announced that he will not be seeking reelection. Bill announced that he also will not seek reelection on the Board. He said it has become very vicious and is pulling the community apart and not together.

The timeline for the distribution of information was discussed. Dave will not include all the financials in the packet, but homeowners can email him, and he will provide them with a detailed list of financials when the Board approves them. The packet will include the minutes of last year's meeting, the agenda, and the bio of 100 words or less of those who are running for the Board.

Canal Weed Control: Bill reported that he attended the annual meeting at the Eagle Bend Yacht Harbor, at which EBWCA Dan Marcus had requested a simple way be found to help with the additional weed abatement in the canal adjacent to EBWCA homeowners and Osprey Homes homeowners. The canal is owned by Yacht Harbor. He reported that Dan said that owners were willing to voluntarily offset costs and help with abatement chemical spreading under the Yacht Harbor permit. Bill said that all who spoke on the matter seemed to be in agreement that Dan, Greg MacDonald, President of the Osprey Homes HOA, should be able to work out an efficient process to do this with the Yacht Harbor Board.

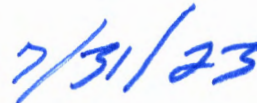
The water on Renschler property was discussed and John noted that he had reached out to them but has not had any further communication. Chris made a motion to file a claim with the insurance company regarding reimbursement of the Rencher's for having to pump water from their crawl space. Dena seconded the motion. Discussion: Bill said that our previous reports showed that the water table regularly goes up and it is not clear that the pond is a cause of the Renschler problem. Dena said we need someone to relieve us of the responsibility. Chris agreed saying that this has been a problem for three (3) years. John asked Dave to contact the insurance broker and notify them that the Board is "making notice of

a circumstance". Dave will meet with John to get the correct wording. Bill said that the Board has sent a letter to Renschler and asked them to provide evidence that this was a pond issue as opposed to a water table issue and no response has been received. If we have an assertion, we need to have the evidence. John called for the vote and two were in favor and three opposed. Motion failed.

Adjourn: John made a motion to adjourn, and Bill seconded. Meeting adjourned at 6:35 p.m.

Bugsy Yarbrough Recording Secretary

Approved unanimously by the Board at July 17 meeting, subject to circulation of agreed-upon changes. Circulated and posted with no further comments from the Board.



Bill Whitsitt, Vice President and Secretary