

EAGLE BEND WEST COMMUNITY ASSOCIATION LTD.

BOARD MEETING

July 16, 2024, 12:00 P.M.

WESTERN MOUNTAIN PROPERTY BOARD ROOM

Call to Order: President Dena Brunskill called the meeting to order. Board members in attendance; Vice President Chris Walthall; Property Manager Dave Roberts and Danae Hanson accountant at Western Mountains Property and Recording Secretary Bugsy Yarbrough. Attending the meeting via ZOOM was Treasurer David Conti.

Minutes Approved: A motion was made by Chris to approve the June 19, 2024, Board meeting minutes as presented. The motion was seconded by Dena and passed with unanimous approval. The notice waiver was sent to the Board and all members agreed to the agenda.

President Report: Dena has been working with Danae and are updating all the email addresses of EBWCA members

Follow Up Report: A reindeer was being repaired by Tootie Myher that is placed outdoor for the winter decoration and is still missing. Mr. Robert will do more looking and see if it is in a storage area or if Tootie gave it to anyone before she passed away.

The asphalt repair by the Fraley home was discussed. The tree that needs to be removed is believed to be in the five (5) foot set back and not owned by Mr. Fraley or Mr. White. Dave will contact Mr. White and review this with him, and once Mr. White agrees then Mr. Roberts will call Trees for Life and have the roots cut back and then contact Double Diamond to apply asphalt.

McIntyre drainage issue has not been completed. Dave Roberts agreed to call the landscapers and work on the drainage plan Mr. McIntyre wants instead. Included in the drainage plan was the placement of some rocks and plants. Chris suggested that they talk with the contractor who is currently working on a home under construction and ask them to bring in rocks. Chris volunteered to go to the jobsite and ask him if they will drop off some rocks.

Due to the excessive rains in June, many of the drains have not been able to keep up with the excess water, and many homeowners complained about the drainage. Please give it time for the water to drain. The Board wanted to remind residents that if they have a drain on their property, it is their responsibility to keep these clean. Mr. Conti suggested that the Board include this in the next newsletter.

President Report: Dena reported that four (4) Presidents of Harbor Village Pavilion met and decided not to let Fairway Pines HOA out of the pavilion agreement. The President of said HOA has sent a letter saying the community did not want to enter a lawsuit and will remain in the association.

The Quiet Title to the common areas and the streets is completed and has been recorded. The process has cost EBWCA approximately \$4,000 and Dena will be presenting the last payment for this legal action upon Board approval to Dave Roberts. The lot lines are done, and the streets and common areas belong to EBWCA, and the Board now has written documentation that this is completed.

At the May 15, Board meeting the Board discussed Kevin Kleckner's letter to the Flathead Conservation District regarding the violation of a 310 permit for the Renschlers water issue which was not accurate and misleading. Because of that letter the FCD has sent a letter to interested parties offering to come and speak to EBWCA and define what a 310 permit would entail. Chris Walthall has made numerous calls to get clear directions regarding the need for this permit. The Flathead Conservation District told Chris that there is not a need to obtain a 310 permit for the pond. The river area by the Whitsitt, Noels, and Brunskill property is controlled by the Flathead Conservation District, but the FDC does have jurisdiction over the pond. Renschler's can put a pipe that drains into the pond with the approval of the HOA without having the need for a 310 permit, therefore it is not a violation. A 310 permit is necessary if you have a dock on the canal.

Vice President Report: Chris has visited with the Renschler's, and they have not heard back from their insurance company or their adjuster. He asked Mr. Roberts to contact the insurance company, Marsh & McLennan Agency, and contact the adjuster and see what progress is being made on determining the source of the water that is leaking into their crawl space. Danae had talked with Nina at Marsh & McLennan in June, and they were aware of the claim but had no new information at that time.

Another issue is the pipe that drains water into the common area from Renschler's property. It is now leaking onto the next-door property and water is pooling which is breeding mosquitoes. Chris made a motion to allow the Renschler's the right to run a pipe into the pond and bury this pipe, so it is not visible. The Renschler's must agree to a "Hold Harmless" document drawn up by legal counsel Paul Sandry, that would exclude EBWCA from any legal action in unforeseen circumstances. This motion was seconded by Dena, and it passed with unanimous approval.

The level of the waterfall was discussed. The Board was wondering if a float would be beneficial as it would keep the water at a constant level. Mr. Roberts will contact the sprinkler contractor and check and see if this would be of benefit.

The Board asked Dave Roberts to obtain three (3) bids for landscape work starting in 2025. Dave has two companies that he is working with and will investigate finding a third company.

DRC Chairman Report: A homeowner has torn out his driveway without filling out the necessary paperwork or placing a security deposit. Dave Robert will talk with the homeowner and tell him he is in violation and needs to secure the paperwork and send a check for the security deposit.

The Riddle remodel has been approved by architect Joe Magaddino.

The Sanders have been awaiting permission to purchase the common area strip of land that runs alongside their property to extend their home. Five (5) former Board members and three (3) other homeowners have sent the Board a memo that they are not following the rules as stated in the DRC guidelines. On July 14, 2024, the Board met with homeowners that had questions regarding the remodeling of this property. Mrs. Sanders attended the meeting and spent time answering questions and addressing the issues that came forward. The Sanders attorney and EBWCA attorney Paul Sandry are working on drawing up paperwork regarding the transferring of the land in the common area and adjusting their lot line. All interested parties must sign this agreement. The Board acknowledged that the EBWCA community must give the Board permission to grant lot line adjustments to a homeowner. Voting can take place via email and all homeowners need to be given 30 days' notice. It will take 67% of the membership to give approval.

Mr. Sanders was under the assumption that the common area was part of his property when he purchased the land and has been maintaining the property since he purchased the home 4 ½ years ago. He is willing to donate \$7,000 to go to the Road Reserve Account. Chris has reviewed all the DRC regulations and on page 3 of section V items "F" and "G" gives the DRC committee permission to allow a variance.

The Board discussed that many of the lot lines in the community are not accurate and there are many lot line discrepancies within the property of EBWCA and now that the Association owns the roads and common area these can now be corrected.

Chris felt that the DRC takes the position of the language in section "F" and "G" and move forward and let the Sanders complete their remodel. Mr. Conti said if the community does not approve of this then the Board will involve the Association in a lawsuit. Mr. Conti asked if the EBWCA legal counsel, Mr. Sandry, thinks by allowing Mr. Sanders to build that it is a conflict with EBWCA CC&R's? He would like to wait and review the letter that Mr. Sandry had written to the Board addressing this issue. After much discussion Chris made a motion to give a variance to the Sanders so he can continue with the building project. Dena seconded the motion. Mr. Conti opposed the vote as he wanted to give EBWCA attorney time to review. The motion passed with two in favor and one opposed.

Treasurer Report: Dave Conti reported that EBWCA finally have complete access to all the accounts at Fidelity. Mr. Conti said that two Certificates of Deposit had matured, and he had requested the money be mailed to the EBWCA post office box. Two separate checks have been mailed, one for \$73,244.88 which will be used to purchase a Certificate of Deposit earmarked for the Reserve Fund. The second check for \$19,372.86 will be used to purchase a Certificate of Deposit and that will be earmarked for the Road Reserve Fund. Both Certificates of Deposit will be for an eight (8) month period. Chris made a motion that the Board give permission to purchase two Certificates of Deposit at Stockman's Bank in Bigfork, Montana and that the President, Dena Brunskill and Treasurer, David Conti be signers on the account. The motion was seconded by Dena and passed with unanimous approval.

Mr. Conti said that here is still \$30,933.00 deposited at Fidelity in Certificates of Deposits and as these mature, they will be transferred into Stockman's Bank in Bigfork, Montana as well.

The Board discussed the boundary lines in the Rally Area. Currently EBWCA is paying to have all this area mowed and paying for the water. The Board asked Dave Roberts to obtain bids on mowing the complete area or just mowing what is owned by EBWCA. He will also look at what the Association is paying to water the complete area versus watering just what is within the boundaries of EBWCA.

OLD BUSINESS:

Dena would like to have a Potluck in July in memory of Steve Dompier. She has so many things to do that she would like to see a new committee formed that would organize various social events during the year. Dena will announce this in the next newsletter and ask for volunteers.

The Landscape Committee has looked at the development and submitted their suggestions to the Board, which included dead shrubs that were pulled out and now need to be replaced. There are three (3) shrubs that have died in the entrance and Dena will go to the Landscape Committee and get a budget to replace these. The committee also noted that there are various shrubs that needed to be trimmed.

Danae has received the total from Flathead Electric Company regarding the expenses that EBWCA was paying for in error. The meter should have been charged to the Eagle Bend Yacht Harbor. The total charges were \$24,822.00 minus the capital credits of \$318.81. Dena will take this to Mr. Whitney Todd President at Eagle Bend Yacht Harbor and negotiate a reimbursement plan.

NEW BUSINESS:

Dena is beginning to organize all the paperwork for the Annual Meeting which will include the meeting notice; the agenda; proxy; election candidates and their bios; and financials. All candidates need to have their bios into Western Mountains Property by July 26, 2024.

Dena made a motion to approve the invoice from Paul Sandry for the finalization of the Common Areas and Road. The invoice total was \$1500, and the motion was seconded by Chris and passed with unanimous approval.

Chris Walthall reminded Dave Roberts to get an appointment with Stocky White and Mr. Fraley next week. Dave said he will put a call into Stocky and hopefully he is in town as he will need to be on site to look at the tree in question. Chris will talk with Mr. Sanders contractor to bring some rocks for the drainage by McIntyre lot and Dave Roberts can talk with McIntyre about shrubbery. Dave will also notify Brian at Black Magic to spray for Canadian Thistle.

Dena adjourned the meeting at 2:30 p.m.

Signature on File

Dena Brunskill, President

Signature on File

David Conti, Treasurer