

# Eagle Bend North Homeowners' Association

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## BOARD OF DIRECTORS MEETING

Thursday September 26, 2013

**Western Mountain Property Management 9:00 a.m.**

**Call to order and establish a quorum** - the meeting was called to order at 9:00 a.m. Board members in attendance were President, Lloyd Ross; Vice President, Myron Achenbach; Secretary, Bussy Yarbrough; Board Members; Joel Goldberg, John Horning, John Summerfield and Property Manager, Dave Roberts. Homeowners Pete Rice and Dave Hilde were also in attendance at the meeting. Treasurer Rick Klein was present on conference call.

The August 1, 2013 minutes had been approved as written by email.

**Homeowners Comments:** Pete Rice addressed The Board with his concerns. Mr. Rice felt The Board had handled a problem with the contractor currently building the new home on Cougar Loop incorrectly. A situation had arisen when the construction had begun; the Architectural Committee had given the contractor permission to use Eagle Bend North's power for construction on a temporary basis. Three months later the construction company had continued to use the Associations' power. An Email had been sent to all the Board Members addressing the concern as to when the contractor would be obtaining its own power. The Board corresponding through email agreed that the construction company had had adequate time to obtain temporary power. A decision was made to have Dave Roberts address this with the construction company and request that they establish their own power and gave them 5 days to secure this. This decision was based on the Architectural Controls, Section VI Article E which state that only immediate site utilities will be used for construction. Pete felt this

was wrong and sent the new homeowner the wrong message. He has visited with the construction company and felt it they very conscientious and therefore should be allowed to use Eagle Bend North's power.

Dave Hilde was unsatisfied with our web site. He cannot remember the password and therefore does not have access to the site. Dave and Pete both agreed that it was not necessary to have a password to secure our web site. Myron said the password has been the same for years and we have given the members this information numerous times over the years.

Pete Rice did not feel we were giving the Homeowners enough information from our meetings. The minutes are not detailed enough and do not include the Boards discussion and should be more reflective of the meeting. He also felt The Board had poor communication outside The Board. Dave Roberts explained our policy since he has been in office. All minutes are posted on the web site and not mailed. Pete pointed out that on the Web site the "News From The North" has not been updated since 2009. Lloyd asked Pete to furnish The Board with an outline detailing what he thinks is pertinent.

Dave Hilde said Eagle Bend had a dinner every year and he had not been notified. Dave Roberts said he had sent these notices out by email ever since he has been the Property Manager for EBN and if he did not receive such notices then we do not have his email address. Myron has sent out information numerous times asking Homeowners to supply them with their email addresses and very few have responded. A request for emails had also been sent when dues were mailed to homeowners asking for an update of emails. Dave Hilde said he had filled this out and still did not receive any notices.

Pete's concern was the lack of communication and he wants an expansion of the minutes to include all the financials and have the hard copy mailed out. He also asked the Board to tell him which property owners were in arrears and which lots have had liens filed against them and if interest is being charged. This was denied by The Board. Dave Hilde said he had served on other HOA's and they posted all Homeowners who were in arrears and felt this embarrassed them into paying. Lloyd explained that we look at each Homeowner and evaluate their

circumstances and then making a decision as to which property will have a lien filed against it. It will be a Board decision whether to mail out the financials. Yearly financials are sent out but the quarterly financials could be sent if The Board so decides. Pete also asked why the interest charge was not shown in each of the Property Owners who were in arrears. He questioned this as the Accounts Receivables are staying the same each quarter and if we were charging interest monthly that amount would be fluctuating. Dave Roberts said he could program this on his computer so it would figure the interest each month and then show these changes on the financials. The Board agreed that this should be done and shown on the quarterly financials.

Pete was disappointed in the minutes that were issued after the Annual Homeowners Meeting held August 1, 2013. He said that some of the discussion was left out. He wanted to see that Ken Evans had presented a problem to the Board about the Transfer Fees that had been brought up at the meeting. Lloyd explained that this was our first meeting after the annual meeting and a discussion of the Transfer Fees was on the agenda. Pete said this question should have been in the minutes of the Annual Meeting. He also noted that Vince Taylor had asked the question if Dave had transferred money into the Reserve Road Fund for the year 2012. This had failed to make the minutes. Dave Roberts said the transfer was an oversight on his part and the money has since been moved. He explained that The Association had not lost any bank interest; it was just not moved from one saving account to the other. Rick Klein explained our saving accounts. The CD is fixed and Saving Peck Performance is our reserve fund.

Dave Hilde wanted to know what the cost would be to replace the roads. This winter when it slows down for all road construction companies, Dave Roberts has made plans to have LHC come and give us an estimate as what it would cost to replace EBN's two mile road. We have been adding to the road reserve each year so as to not require a large special assessment to Homeowners at one time. Dave Hilde feels that when we replace the roads we should replace them all but this is not an imminent problem and a road could last for up to 40 years if maintained properly over the years. Lloyd Ross wanted to emphasize that an increase in the dues is not needed.

Pete would like to have someone come and perform audit our books each year. Dave Hilde said that in the past EBN had Chrysler and Gordon perform an audit on our books yearly. He would like to see an audit of the books. Dave Roberts has a CPA who comes in monthly to look over the books and has not seen any problems. Dave Roberts stated that Vince Taylor did not feel it needed to be done when he was Treasurer so the Board has not done this. Rick Klein also looks at the Bank Statements and he looks over the checks. No checks can be issued from EBN account unless Rick Klein or Lloyd Ross signs them. Dave Roberts does not have the authority to individually sign a check.

Pete and Dave Hilde stated they wanted to let The Board know of their disappointment in their lack of communication with Homeowners. Lloyd Ross thanked them for coming to our meeting and that The Board would address each of the issues.

#### **Committee Reports:**

**Treasurer's Report:** Rick Klein Chairman: Total assets are \$130,873. This includes a balance of \$61,341. In checking and savings, and our current CD balance is \$61,664. A motion was made by Myron and seconded by John Summerfield to approve the financials as presented. It was passed with unanimous approval by all Board Members. Lien filing was discussed. The Board reviewed the procedure and agreed that all procedures laid out in the CCR's need to be followed. Section 8 of Article 4 states "Any assessment not paid within 30 days after the due date shall bear interest from the due date at the rate of (12%) per annum." Every Homeowner who is in arrears after 90 days will be subject to having a lien filed against their property. Interest will be brought up to date on all those Homeowners who are currently in arrears and this will be reported in the financial statements supporting schedules. The Board has asked Dave to do this from this date forward.

**Architectural Report** Terry Hanson Chairman: Lloyd Ross gave the report. The McDonald home on Cougar Loop is continuing to be built and all plans have been approved by the committee.

**Landscape Committee:** Buggy Yarbrough Chairman: John Summerfield brought up that the signs on the marquees are hard to read at night. The color does not show up when the lights are on at night. John Horning said if they were lighter they would be harder to read in the daytime. We will look into a possible solution. Christmas lights will be hung and taken down again this year.

**New Business:**

**Transfer fees:** Dave gave us a brief history of the Ken Evans problem which took place over three (3) years ago with the Transfer fees. When Ken bought his condo in Golden Eagle Townhomes he and the seller were both charged the \$250.00 transfer fee. This was a mistake that had been made when the closing papers were drawn up by the Title Company. When Dave Roberts was notified by Ken Evans as to the double charge, he wrote a check to reimburse Ken and hand delivered the check. After the meeting in August, Lloyd Ross and Dennis Yarbrough, a homeowner researched the transfer fee history. In the Restated CCR's, adopted in 2011, Article 3 Section 1 states: "Every transfer of property shall be subject to a fee payable by the seller and the amount shall be established by The Board of Directors." Dave will notify Kathy at his office to make a note of this for the future to alleviate any future problems. At the annual meeting it was asked what was the purpose of a Transfer Fee? Dave said it was to update record within his office and for mailing to the new homeowner. Kathy talks with the Title Company making sure no liens have been filed on the property and that all dues are current. The Board discussed a phone list that we could mail out to all Homeowners. The Board decided not to change the \$250.00 charge.

**Streets Committee:** Lloyd Ross chairman: Lloyd has walked all the roads and they appear to be in good shape. It was brought up that the water turn offs need adjusting and many are cracking as cars drive over them. Dave will call the Bigfork Water to come and look at these and make repairs. Bigfork Water has made the necessary repairs in the past and has not charged the Association. Liens will be filed for all delinquent Homeowners. The definition of delinquent is any past due amount over 90 days. Dave Roberts will be talking with a few of the Homeowners to discuss payments before the liens are filed.

The Board discussed the cost to mail out financials quarterly. It was determined the cost would be approximately \$500.00 a year; this includes postage and stationary. Rick Klein agreed that the financials should be provided to all Homeowner but could we do this through the internet. The Board agreed that the balance sheet and profit and loss statements will be posted on the internet. This could also include the Receivables Aging Summary. Dave will talk with EBN's Attorney regarding the posting of the Aging Summary on the web. The Board will table the sending of the Aging Summary and will discuss this at the December Board Meeting.

All new Homeowners will receive a copy of the financials during closing. Western Mountain Property Management will provide this to the Title Company to disperse. Dave Robert will also be responsible for mailing these to all new Homeowners along with the password allowing them access to our web site.

A Formal Audit Review: The Board asked Rick if we needed an outside audit. Rick will come into the office and review the books in November and then he will make his recommendations to The Board at during the December meeting.

The Board was not comfortable in leaving our web sites unsecure especially now that financials are to be posted on them. Therefore the password security will remain. If any member has forgotten the password, please call Dave or any Board member.

Streets signs: Some of the older signs are becoming hard to read and Dave will patrol the roads and look to see what needs to be done. He will report back to The Board during the December meeting.

Budget for 2014: Rick and Dave will begin compiling this. The Board will review it and give their approval during the December meeting. Which will be December 5 at 9:00 at WMPPM.

Neighborhood Watch Program: All the signs have been placed. Please be alert to any suspicious person or vehicles.

Adequacy of the Minutes: John Horning said that the Board is responsible to advise Homeowners of Motions that have been made. The Secretary also needs to report the results of the election of these motions. The Board agreed that the minutes of prior meetings were fine and did not need to be changed.

**Future Meetings:** December 5, 2013; March 4 2014; June 5, 2014; Annual Homeowners Meeting August 14; Sept 11, 2014; and December 2, 2014. All Board Meeting will take place at 9:00 at WMPM conference room.

A motion was made and seconded to adjourn the meeting.

**Adjournment:** 11:00 a.m.