

EAGLE BEND NORTH HOMEOWNERS ASSOCIATION

ANNUAL MEETING

August 13, 2019 9:00 a.m.

EAGLE BEND YACHT HARBOR CLUBHOUSE

Call to Order: The meeting was called to order by President Steve Armstrong. A quorum was established with 33 members present either in person or by proxy. A quorum is defined in the bylaws as 10% of the 118 lots making up EBN, which equates to 12 owners.

Board introduced: Steve introduced the Board Member; Derek Swank Vice President; Lloyd Ross Secretary/Treasurer; Scott Austin; Jim Valentino Landscape Chairman; John Charboneau Roads Chairman; Dan Kidd Architectural Chairman and Dave Roberts Property Manager.

Approval of Minutes: Derek made a motion to approve the minutes from the August 7, 2018 Annual Meeting and was seconded by Paul Naour. The motion passed with unanimous approval.

Treasurer Report: Lloyd reported that EBN is in good financial standings. There is a growing reserve for roads and streets and a yearly deposit of \$30,000 will be deposited into the Road Reserve Fund in September bringing the balance to \$140,000. In 2018 EBN increased the dues by 20% and EBN have been able to put 100% of this into the Road Reserve Fund.

Architectural Dan: Two new homes are under construction and two homes are waiting for landscape approval. There have been many maintenance projects by homeowners. One patio project is almost completed, and one patio update is now completed and approved by the committee. Remember anytime a homeowner does anything on

their landscape please contact Dan or Dave and get approval in writing. Due to the recent storm there were a number of downed trees in the Association. If you are planning to replace trees, please call for approval and all homeowners need to make sure they are maintaining the correct number of trees.

Landscape Jim: The landscape of the three (3) marquees are now completed. The color on the marquee is back to its original white color. Biggies redid the landscape in 2018 and now there are colorful shrubs that provide color year-round versus the flowers that the deer would eat. Don Goodall is maintaining the marquees. A homeowner asked if the daisies in Nagy Park could be looked at as they have taken over the small marquee area. The Board agreed to have Don look at this area and look at a stump that needs to be removed.

The drainage issue on Bridger Drive is still being monitored and the growth of weeds need to be cut. The weeds will take over the drainage area, so the Board is having a weed deterrent sprayed to keep the weeds from growing. The water is flowing down the ditch and away from the road. Scott suggested that EBN ask the landscaper to be more aggressive on the weed abatement. Scott is afraid that the weeds will take over the drainage and will impede the drainage. In the future when a property owner builds on the vacant lots in this area they will be required to put in a culvert.

Roads Frank Charboneau: He walks the road every day and the committee is aware of one area on Bridger where it looks like a heave in the road. In the fall Badger will dig four (4) feet below the soft spot and put in drainage rock. This will also enable us to see what is below this spot in the roadbed. In the “News of the North” Frank provided the homeowners with his email address and phone number if you have concerns with the roads.

Survey Review: All homeowners received a survey form to see if EBN should prohibit short term rentals, which is defined as shorter than 30 days. We did not receive the necessary threshold of 66% approval to put this to a vote. In May the Montana legislature passed SB300 which was supposed to clarify a member of an HOA's property rights vis-à-vis renting. As of now, if EBN wants to pass rules on restricting renting to less than 30-days, an individual resident can vote against the new changes, meaning that they would not have to follow the new rental rules. The unit owner would not be able to pass on this privilege if their unit was sold. There are some lawsuits that have been filed since SB300 was passed challenging the ruling. One Association that is challenging the ruling is the Yellowstone Club.

Rental Rule Committee Marie Pickard: A detailed handout was provided to the homeowners. All Renters are to comply with the Flathead County rules and regulation that were put in place in 2016. Owners who rent for 30 days or less must adhere to the following rules:

- Sewer system large enough to handle maximum occupancy.
- No added signage to advertise rental.
- Owners must have a Property Manager who is available 24 hours a day 7 days a week and be able to arrive at the subject property within one hour should there be an emergency or problem. The contact information for the local contact person or management company shall be sent via certified mail by the applicant to all property owners within 150 feet of the property. The applicant is required to give all homes within 150 feet of rented property the name of the Property Manager along with the phone numbers in the event of a problem with the renter.
- Short term Rental Housing shall obtain a State of Montana Public Accommodation License for a Tourist Home.

- Short term Rental Housing is subject to the State Bed Tax and the property owner is responsible for collecting the tax.
- Short Term Rental Housing must have adequate off-street parking spaces.
- The renting can be challenged if there are constant violations, and police reports. A written complaint can be issued by the county and all license are public and neighbors can check.

All renters must follow these laws. Montana Document 2.06 is a four (4) page document that all VRBO property owners must have filed with Flathead County

The Rental Committee made a list for renters to follow. Some Homeowners Associations have set rules, and these are placed in the rental unit. Marie checked with five (5) different HOA's and the Committee used their format. The Rental Committee is asking the owners to put the rules down on the kitchen cabinet for renters to abide by. These are suggestions to help the homeowners. Steve asked for a strawman vote to see how many of the homeowners would like to set some rules for renters. The majority voted in favor of some general rules. One page of rules would be nice, and they would follow the county guidelines. Bill Leininger volunteered to see how many properties in EBN are listed on the Rental sights on the web and report back to the committee

Steve thanked Marie for her work and bringing this issue to the front.

Opening for Board positions: Dennis Yarbrough nominated Frank Charboneau and Jerry Johnson. Frank has served on the Road and Street committee for a year. Jerry Johnson moved into EBN one year ago after living in many places. The first time Jerry lived in Bigfork was in 1979 and he has returned and has invested in Bigfork properties.

Scott Austin and Lloyd Ross will be hard to replace but these are two good nominations and they would serve for 3 years. Steve asked if there were any additional nomination from floor. He asked a total of three times for nomination and when no further names came forward Dan Purcell made a motion to close the nomination. A motion to approve the nomination by acclamation was made by Scott Austin and seconded by Derek Swank.

HOA Member Concerns: Jim Lambert had two concerns that he would like to see addressed. He lives on the corner of Holt and Bridger and he said the speeding on Holt is a big problem. His second concern was for the security of our subdivision and would like to have the members think about considering a security patrol. This would help the homeowner who live out of the area during the winter months. He suggested we could have this monitored for eight (8) hours during the night. If the other HOA Association within the areas would all cover the expense this would be feasible. Dave Roberts said if EBN hired someone to patrol without a gun it is \$37.50 an hour and with a gun it is \$40.00. It would take a policeman 25 minutes to get here and maybe even more depending where he was in the county at the time of the call. There are five (5) patrols in the sheriff's department and they move around the county which is big. An off-duty policeman could be an answer as a man with a uniform may have more of a presence. Jim said getting the other HOA's involved and even Eagle Bend Golf Course would make this feasible. Bill Leininger said homeowners need to be looking for anything that may look suspicious. Contact Dave if you have a concern regarding someone in the neighborhood and he can have a patrol person come by. There was discussion regarding apps that homeowners could put on their phone to post anything suspicious.

There was an announcement for all owners to please adhere to the dogs on leash law and please pick up after your dogs. The golf course is

also asking all dog owners to keep the dogs off the course, and this is also the cart path.

Adjourn: A motion was made by Myron Achenbach and seconded by Dan Purcell. Meeting adjourned at 10:15 a.m.

Bugsy Yarbrough Recording Secretary