

YRHOA BOARD MEETING

APRIL 16, 2016

LOCATION: TIMBERLINE RESORT HOTEL MEETING ROOM

Meeting called to order at 4:00 P.M.

ROLL CALL

- A. Directors present: John Grizzard, Julia Aucremanne, Nancy Ford, Bill Kirk, Don Richards
- B. Homeowners present: Jerry and Ann Brewster, Larry Ford, Don Austring, Nanette Seligman, Chris and Susan Smith, Bob and Barbara Foster, Andy and Susan Heisey

CALL TO ORDER

Don Richards called the meeting to order and turned the meeting over to John Grizzard to run the rest of the Agenda.

ADDITIONS TO THE AGENDA (copy of agenda attached.)

John announced if there was anything anybody wanted to add or to discuss about the Agenda we would discuss it during the meeting.

John announced the annual homeowners meeting would be July 16 at 10:00 a.m. A place has not yet been secured for the meeting. Notices will be sent out later.

John asked if there was anything else anyone would like to discuss.

Chris Smith asked about the fire hydrant in front of Ralph Borrer's house. The fire hydrant is to low and needs to be raised. John replied that it is in the budget for this year. Now that it is spring we will find someone to do the work. Chris said the person that installed it originally was a local person and had been previously contacted regarding the work. Chris couldn't recall the name of the person but it is in previous minutes. John replied he would research previous minutes to find the name. Chris also inquired about another fire hydrant that should be raised also.

Under old business Bob Foster wants clarification on the eminent domain issue. John replied that will be discussed during the drainage report.

Andy Heisey asked if the annual meeting could be changed because of conflict with the Timberline Association meeting the same day. John replied that our by-laws say that our meeting has to be the third Saturday in July at 10:00 a.m. Unless we sent a ballot to change the bylaws it has to be held on that date and time. Don Richards replied the regular Board Meetings have flexibility but the annual meeting does not.

John then moved to accept the Agenda with the additions noted. Don moved to accept the agenda, seconded by Julia.

OLD BUSINESS

A. SNOW PLOWING REPORT:

Julia stated Steve Thompson of Huffman Enterprises did the plowing this year and did a Great job. There were no complaints from anyone. His bill has been paid.

John stated the only complaint was there wasn't enough snow to plow.

B. DRAINAGE COMMITTEE REPORT:

John responded to Bob Fosters questions. John said the PC&R does suggest the Board has the ability to make some improvements. We did get a legal opinion. The lawyer Pat Nichols did come back in writing and told us that in order to use Homeowners Money like HOA funds to do it, we really need to get 26 written signed votes to say yes you can do that. We have halted anything we are doing. I have personally reimbursed the HOA for any money spent. The HOA has not spent any money on anything. The areas we cut we have been able to identify two specific areas where we have a drainage problem. Water is running towards houses as opposed to running towards culverts. We have identified some fixes for that and I will get to that in new business. We are going to send a ballot out with the May mailing to Homeowner to get a yes or no voted to see if we can use any of the HOA money to do the fixes. If we don't get the 26 votes we need, we will at least tell the homeowners who land is affected what we recommend they do and give them the opportunity to do it.

Bob Foster asked if Pat gave us any legal help on the difference between section 23 which is the correct section you're referring to and eminent domain versus whereas we dealt with this issue in Timberline. Section 23 is the same exact copy of what Timberline says. Our by-laws are an exact copy of Timberline. It talks about maintaining our lakes and ponds and the whole bit. What that refers to is surface or standing water. It doesn't talk about drainage water. That's one issue. The other issue is eminent domain is the legal process through courts and government. Private people can evoke eminent domain of late court rulings for economic development when it used to be just schools and roads and that kind of thing. Eminent domain requires a process where you go and file for it and the homeowner or landowner has a chance to appeal and if you win then you have to compensate and the whole bit. It doesn't mean you can go on and do whatever you want. Section 23 is referring to once again it's a process you have to notify the homeowner it has standing or surface water and it is a hazard to the community because of breeding of mosquitoes That's what it is all about. Then if they won't do anything, then you have the right after certain notices, then Pat can explain it. He had to explain it to us before when we had to go in and do something on property without permission. So that's the way the process works. So I just worry, I don't want someone suing the homeowners association because we went on their property without proper due process. So Pat didn't get into that?

John replied, he didn't. We're not going to do anything unless we go through all those proper procedures in the future. At this point in time the two things that need to be done, one of them is behind Ed Harrah's house, and I don't know if it gets over the property line of the house behind him, which I believe is #9, but I've been in touch with the homeowners and they are on board to working with him to fix it. The other one is right behind Brewster's house. We have identified a fix that needs to be fixed right behind their house. I'm sure they would be willing to make that fix as well. Both fixes are about \$300 each for the work. Basically behind Harrah's house there is a mound that is isolated by itself. As the water goes down it splits around the mound and about 50% of the water heads down to three houses, the other 50% goes towards the culvert. If they can get it all going toward the culvert that will alleviate a big problem.

Bob Foster said just to help again on one issue we came up against was something that you brought up at annual meeting two years ago. You asked for the opinion of an engineer or specialty in that area. That was your suggestion then, The reason you do is to make sure you're doing it the right way and make sure someone else's tail end is on the line versus ours. If we design it ourselves and alter the water flow. If you alter the water flow and someone is damaged, you're liable for the damage. If the engineer says that's the way you do it and someone is damaged then the engineer is liable. So that would just be a cautionary note.

John replied, actually both fixes are very consistent with what's in the Thrasher report. They are right in line with that.

At this point in time we are not doing anything. The HOA is not out any money and there's things recommended we do. If we get the votes we will, if we don't we won't. The total output for the HOA to do any fixes would be about \$1200.

Bob Foster replied sounds good on that part but you might want also note there's about 10 or 12 homeowners who have spent anywhere from a couple thousand to 10,000 fixing their own. I don't know if they would come back and say hey reimburse me for mine. I guess it's possible.

John replied, what I would like to strive for is because if you look at the way the community is laid out and if you read the Thrasher report, if individuals start doing things that aren't consistent with that, then you end up with a system that doesn't work.. Bob agreed.

People need to understand if you want to fix something then we should at least review it to be consistent with that so we are doing it collectively so it's all working together so all the pieces are working together. In the past people have done things, I know Lester is doing some things right now on his side. He's not really changing the flow of anything he's basically preventing Erosion on his land and keeping his wall strong, so he can keep the flow going the right way. I understand what you're saying and I appreciate that.

Andy asked if we are collaborating with Timberline at all. The water is coming off the mountain. There are huge pipes up there moving water down our way. Are we doing anything with them or meeting with them. He then asked if they are doing anything.

John replied, they are being dealt with, they have Thrasher engaged trying to update what they need to do through this area, to get the water down and out of here the way it's supposed to. They are at some level non responsive.

Andy asked Timberline is not responsive? Is that Fred. John said it's basically Fred. When you go talk to Tom Blanzly he tells me he's not the owner and he just does what he's told to do. So it's Fred that's not responsive. Andy then asked, if they are still building houses there, where all that water is going. Are they required to put proper drainage in? John replied they are required to but I don't know what they are doing or who's doing the inspecting. I don't really follow what they are doing up there off of twister. Nannette said she tried to contact Winterset HOA a couple years ago and they wouldn't respond because it's up to each HOA to have their own plan.

Bob Foster said if I remember right because I don't have the Thrasher report memorized, but didn't the Thrasher report fail to address Winterset at all because Winterset didn't exist.. John replied Winterset was there but they hadn't put in their new drainage system Bob said he was told it went to the pond and then all of a sudden it came on us instead of the pond. John replied that was a true statement.

Andy said if I understand this correctly our association is not working with Timberline. John replied we have tried but they are non-responsive.

John said Tom Blanzly did give him a contact at Thrasher who has also been nonresponsive. They are not responding to phone calls and emails. I didn't really try to push this through the winter time because there's not much you can really do. Now that we are getting into spring we'll try to push it again.

Don Austring asked John if he reimbursed the money and if he was out the money. John replied yes. Don then said we need to make arrangements to straighten this out. John replied you are more than welcome to, but you don't have to.

The question was then asked if that was why we're trying to get the 26 votes. John replied he would rather try to get the 26 votes then he would get his money back. If we vote no then he's out the money. Don said that's the plan, we'll go after that if it doesn't work.

Bob Foster asked about people doing their own thing. If they do wouldn't they have to go through the ARC Committee? He said he hadn't seen anything from the ARC committee. He then said I see you have that on the agenda today.

Don said when he brought lot 12 there was a drainage problem. He put in a French drain. He said he didn't go through ARC and asked if he had to go back and do that. John replied no. He stated that corrected 80% of his problem.

John answered Bob, I think if they are changing something they would have to go through ARC. If they are doing maintenance on something that's already there. Bob said I know if they do something to the house they have to, but if they are doing something to the land is that a requirement. I'm just trying to help you keep track of what's going on.

John said the way feel about it and have talked about it is if they are changing something, changing the appearance, building a wall, changing the flow, Bob replied, changing the drainage pattern, would be significant. If you are doing maintenance on something that is already there then I don't think you need to do that.

Andy said if you paint your house a different color you have to do that. John replied yes, he did that last summer when he stained his house.

ARC Committee Report – DJ Richards

From July to present we have only had three request come in. Nannette put in a request to replace her sign, add a window to her bathroom and temporary snow fence. The sign conformed to the home, the window was consistent with the ones in her home already and the snow fence was approved, even though they are not allowed, we made exception due to the huge amounts of snow drifts that accumulate in her yard. It was a temporary approval. It was submitted in October and she has April, May time frame to remove. It. Nannette stated it had already been removed. Don said they had driven by and saw that it was down.

Robert and Sue Rubenstein did a roof replacement that conformed. That was in August and completed by September

Sally and John Grizzard did exterior paint, power washing and sealing of their deck. Color of paint was consistent and conformed. They submitted request in September, work completed by October.

That concludes all the submissions for the ARC. The Board Members have been doing walk through in the neighborhood. We haven't taken any pictures or gone on anybody's property but we did make sure the exterior of homes were consistent with everybody else's homes, which is what the bylaws state.

He said that was all he had for the ARC. He said they had looked back to see how many ARC reviews were done by previous Boards. He stated they didn't find a lot, but would be happy to have this on an ongoing quarterly to let people know what's going on in the neighborhood.

Barbara Foster stated they did do a report every month. It may not have made the minutes but she stated she had in a file for every one that went through when she was on the ARC.

Don said he had a file and was keeping it up to date. A very detailed file, may I say.

Julie said something that needs to be brought to the attention of the Board was as they walk through the neighborhood, Hertzwood garbage in the woods is getting into the stream and onto our properties. She suggested writing them a letter asking them to clean it up. John asked her to get a picture. Nannette said she sent them a picture to their Vice President. John said if we send a couple pictures and a letter to their Board might be helpful.

That completes ARC report

NOMINATING COMMITTEE:

Don said we are in the process and the two people selected for the nominating committee are Janice Youngblood and myself. We are currently interviewing candidates for Board Members. Suggest anybody that wishes to run for the Board go ahead and submit homeowners who would like to be on the board. They would need 5 homeowners to endorse them so they could be put on the ballot. We hope to get those all out and ready by the May 15 timeline for when we send the ballots out.

FINANCIAL REPORT:

Financial report was given by Julia (copy attached)

Andy asked how much the snowplowing was. Julia replied it was \$2350. John replied we did compete it. Other bids came in significantly higher.

Bob Foster asked if the contract had an excess snow clause. John replied everybody that quoted had a similar clause. Their clause kicked in about 10" from each other. This contract didn't end on March 31, his said until the end of snow season. The others said they ended March 31. It was less expensive, but he was more flexible with the start and stop of snow season.

NEW BUSINESS:

A. John talked about timeline of annual meeting. It will be July 16. 10:00 am

May 16, 61 days out from the meeting, we plan to mail the invoices for annual assessments as in the past, which will include the discount if you pay before July 1. No penalties through July 31, penalties after that will kick in.

We will put in self-addressed stamped envelopes.

The mailing will include a ballot for officer's elections, draft budget, and also a ballot for using HOA funds for drainage.

June 20, 26 days before annual meeting, we will mail final budget where homeowners can vote to accept or not accept the budget, with a self-addressed stamped envelope. There will also be a letter that allows home owners to vote at the annual meeting.

Andy asked how many total lots we have. John replied 50. There are 50 lots some people own more than one lot. The number of homeowners is less than that.

B. Brush removal will be the week of May 23. We'll get an email out prior to that.

C. Bob Cherry April 12, 2016 email

Last thing on the Agenda is about an email from Bob Cherry on April 12 with a number of things he wanted to address. I was hoping he would be here so we could address them in person with him, but he's not.

1. Going back to July of last year at the HOA meeting we voted on the fact we could use email to do budget approval. We set it up and timed it so we could do budget approval at the Board Meeting in October and we did that. Bob's response instead of a yes/no on the budget was a letter and his letter was two pages that said he wasn't in agreement of the budget, so we took that as a no. He was at the meeting in October so we took that as a no vote.
2. He send us a letter on March 11 basically talking about the same things Bob Foster was talking about, which was the use of funds for the drainage. That letter prompted us to get a legal opinion, which I told you what that was. We responded to Bob in an email, right DJ that said we got this and we halted the work. Everything I said in the drainage committee report really addresses his letter of March 11. DJ said he didn't respond to Bob's email because his current letter came in before he was going to send the email, and it was decided to address this at the meeting. John asked DJ since he's not here to send him an email addressing everything.
3. He suggested that what we did do was trespassing on two lots. That is untrue. The homeowners he listed were both in the know and both had given us permission. There was no issue there.
4. He wanted to review financial records. We have them here. We have the checkbook register here. It's available if anybody else would like to review it. Julia gave the report and everything has been checked over by two other board members, and I can tell you it is correct.

5. He wanted us to do an ARC report which was done.

6. He says he has observed violations regarding I believe would be PC&R17 which has to do with unleashed dogs. I think the people who he's talking about are aware of his concern. We have talked to the people. Our perspective on the unleashed dogs, and I know my dogs are never off leash. If they are it's an accident because they slipped out the door. There are certain people in the community who have dogs that are very well trained on voice commands and they obey, and are very well behaved. To us that is the form of a strong leash. The homeowners need to be responsible for their animals and use common sense about how they exercise their animals. We talked to the people we think are involved, there are no names mentioned here, but the idea is we want them to be responsible, be aware of the concern and keep their dogs under proper control at all times.

7. Andy asked what the association bylaws say about leashed dogs. Do they have to be leashed at all times? John replied PC&R 17 says those exact words. Often times you can read something like that and use the literal. Interpretation or the common sense interpretation. It depends on how conservative or liberal you want to be on the interpretation. Timberline resort allows unleashed dogs. If there becomes an issue we can deal with it.

Andy asked if that becomes a situation what we can do about it. He said if the dog is not leashed and under the command of the owner, that's pretty subjective. Every owner says their dog is under control. He then spoke of a person experience about a dog bite. When you talk about the command thing it's too subjective. It's either or the dog has to be leashed or they don't. Andy asked what recourse do we have other than send them a letter.

John said if you as a homeowner don't want dogs off leash and you witness it happening and you know who it is. You send the Board a letter of complaint we are obligated to go deal with it.

Andy said you have to identify it. John replied yes this complaint doesn't identify. This gives us enough information we think we know who he's talking about. There are no names here, or no dates of incidence or anything like that.

Andy asked if the association has any liability if a dog bites someone. John replied no that's the homeowner's liability.

Nancy responded that we have no control over the main road. That's a state road and dogs run loose all the time in front of her house.

Barbara Foster responded she remembered this conversation coming up a year or two or three ago and it had to do with something that happened a few years ago and caused concern for the Board and maybe tightened controls at that time. I don't know who was involved, but I remember the solution was to keep them on a leash in the community.

John replied the solution is keep them on a leash when on Yoakum Run roads

Barbara replied so many homes are either on rental market or being used by guests and those persons might not realize it.

Don replied we don't have any authority on the road, so if they are walking down Timberline line road we can't enforce it. If they are on Yoakum Run road we can enforce it. The vast majority of what we see is on the road. We don't have the resources to police it all the time. So it comes down to letting us know and then we can take action to notify them.

The question was asked if your yard is fenced they don't have to be on a leash. Don replied the fenced backyard is your property. John replied it counts as a leash because you have contained the animal.

John replied the intent of the PC&R is to keep your animal under control and contained and not have it impose any fear or damage to anyone else.

That was the list of things in Bob's email. In the minutes we'll respond to each one of these. We will include a copy of Bob's email with the minutes.

There was some further discussion between Chris Smith and John regarding the completion of the fire hydrant extension.

Again, Date of homeowners meeting will be July 16. 10:00 a.m. We'll try to do it in the event room at the ski area.

ACTION ITEMS:

Mailings

Don to respond to Bob on his email

John will research names of company for the Fire Hydrant work.

Don said in response to #4 of Bob's email request to inspect financial records. We told him they would be made available this weekend. He replied during the Board of Directors meeting. We have made them available but he's not here to see them, unless he comes before the close of the meeting. We have the records here if anyone else wants to inspect them.

Andy asked if during the annual meeting there was a website to look at the records. John replied the financial statement was emailed. Andy then asked if this latest report was emailed to everybody. Julia said no it will be included with the minutes

John again asked if anyone wanted to inspect the checkbook or records, you are welcome to.

John moved to adjourn

Unrelated to the Board Meeting there were discussions regarding a presentation given by Fred at our last annual meeting. And discussions regarding the ski lift accident and repairs.

John made a motion again to adjourn the meeting Julia seconded and John asked all in favor. Motion passes.

Meeting adjourned at 4:55 pm