

## **Baxter Meadows Master HOA**

Board Meeting

August 14, 2013

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**Called to Order:** 12:04pm

**Present:** Teri Ball, David Graham, Anders Lewendal, Keri Thorpe, Mike Skogen, Shannon and Cassie (Luna), Alana Griffith (attorney)

### **Introduction of Alana Griffith – Attorney Interview**

BOD interviews Ms. Griffith to represent the HOA. Ms. Griffith represents over forty HOAs in Park County. Keri Thorpe asks specifically Ms. Griffith's experience in contracts, subdivision agreements and experience with the City. She has experience reviewing agreements, specifically subdivision and sub-association agreements. She represents Big Sky Community Corporation and has experience meeting with City Commission and zoning map amendments. Her fee structure is \$175/hr. She has a two page retainer agreement that states billing is handled monthly and a "retainer" is not required in advance of work. BOD had asked for attorney advice in July meeting whether or not owners can be billed for non-compliance per month until compliance has been met. Alana states as per the CCRs, this is permitted.

Anders Lewendal makes a motion to hire Alana Griffith as the HOA attorney for the next year. Teri Ball seconds. All those were in favor, APPROVED.

### **Review of July Meeting Minutes**

David Graham makes a motion to approve the July minutes with the revision to Keri and Teri meeting notes with the City of Bozeman. Anders Lewendal seconds. All those were in favor. APPROVED. *Luna to send revise to Teri to post on the website.*

### **Review of Financials**

Teri Ball motions to approve financials to be paid, Mike Skogen seconds. All those in favor, APPROVED. Anders Lewendal poses questions as to the need to approve bills each month if standard bills are paid monthly and if management and BOD are in agreement of the common expenses each month, whether or not approval is needed. BOD agrees however also wants to be involved in the review of expenses paid each month.

### **Collection Process**

Review of the resolution created by Alana Griffith to enforce non-compliance of covenants, to be reviewed and discussed over the course of the next few months. More discussion needed to develop the best

policy for severely past due owners. Idea to not charge owners non compliance fee during review period, waive language needs to be reviewed and shorten amount of time between notice and compliance. Review sole discretion wording.

### **Well Ownership**

There are ten wells associated with the HOA.

Luna has been working several years to sort out the ownership of well logs and water rights. Luna has contacted Jerry and his daughter Erica, to ask that a real estate certificate of transfer be signed to transfer rights to the Master HOA. Anders Lewendal recommends hiring a professional to sort out the water right issues for the HOA. Before doing so, he suggests that Luna create a spreadsheet of what is known and send to DNRC to answer any questions left unanswered. Then provide that information to either an attorney an engineer or professional that can clean ownership rights up.

**New Well Installation:** BOD reviews whether or not to move forward with installing another well in the Linear Park. It was originally reviewed and voted on at the Spring meeting but has not yet been installed. Due to overload of Phase 1 and Linear Park needs, BOD decides to move forward with original plans. Stay Green says that it will cost a minimum of \$2000 to split the system and then once in place Stay Green will be able to determine what needs to be added to the system, if any. *LUNA TO MOVE FORWARD WITH INSTALLING THE WELL IN LINEAR PARK.*

### **Open Floor**

#### PHASE 2B DISCUSSION

Keri Thorpe followed up with the City of Bozeman regarding updated report of how parkland credits were applied to new developments (Baxter Meadows West Ph 2 (aka The Knoll), Crossing II & Sundance Apartments (Ph 2B) specifically. Chris Saunders said that he did not have time to review and could not give an idea as to how the current parkland credits were applied.

*Discussion whether Ph 2B is a member of Master HOA:*

Several months ago, Keri contacted Security Title and asked to run a property file on Phase 2B and all covenants of Baxter Meadows Master were attached. According to Exhibit A of Master Declaration, survey 2202A shows that Phase 2B is in fact a part of the Master HOA. In fact, Certificate Survey 2202A shows Phase 2A, 2B, 7A, 7B & 5B areas are all a part of the Master HOA. Anders Lewendal states that the BOD needs to come to a decision on how to bill for lots before building commences. The decision needs to remain consistent across the board. He reiterates

that something needs to be in place before these are phases begin to develop. Better to determine now verses after the fact and consistency is key.

David Graham makes a motion to charge multi-use lots \$40/mo, specifically Phase 2A residential lots and Phase 2B. Motion includes sending a letter to Phase 2B detailing charges that will be in the future once units are built. HOA Attorney to review covenants to determine how units can be built then shared with Steve Broadbent, owner of Phase 2B, Sundance Apartments.

David Graham recommends leaving motion as is and charging Phase 2B and 2A \$40/mo beginning October 1<sup>st</sup>. Anders Lewendal seconds, All those were in favor, APPROVED. *Luna to move forward, send letter to Phase 2B and invoice both \$40/mo.*

### **Revised Master Map**

Anders Lewendal recommends updating the master map. *Luna to contact TD&H Engineers for the CAD file or PC Development.* Idea to revise the map to show clear boundaries of HOA and identify phases so owners can clearly understand which area they are a part of.

### **Phase 3 Design Guidelines**

Discussion of phase 3 guidelines and specification of subduded garages. Two years ago, DRB met and determined a clearer definition of subduded garages since the design guidelines of phase 3 were not specific and only recommends suggestions. DRB votes to define subduded as 5ft set back from the front of the house. As per the CCRs, DRB has authority to set guidelines. There are nine homes not in compliance in Phase 3 with flush garages to the front of the house.

Further discussion as to whether or not Master documents supersede sub-association documents. Previously the HOA Attorney, Bruce Brown, advised the BOD that should conflict arise, sub-association documents shall outweigh the Master documents. However, Alana Griffith points out to the board that the opposite would be the case. Section 1.5 of the Master Documents state that Governing Documents shall control. BOD was given inaccurate legal advice and has made decisions in the past based on this information. Moving forward, the BOD will act on the basis that the Master documents shall control in conflict.

### **Amendment Suggestions**

BOD members and Luna to review design guidelines and review at September board meeting to discuss possible amendments to offer to the membership to vote for change.

### **Basketball Court Repairs**

Blacktop is decorating. Review of vendor that can replace the blacktop with a weather resistant material that's lifespan surpasses standard blacktop. Anders Lewendal recommends contacting KM Construction to inspect the blacktop base and get opinion as to whether or not base can be repaired or tear out and start over. Teri Ball mentions that this area is used for more than basketball as kids skate and do other things on the blacktop so not sure it would be wise to use this vendor to create a permanent basketball area when it could be used as multi use with simple blacktop. *LUNA TO CONTACT KM CONSTRUCTION for further inspection.*

### **Linear Park Bench**

*Luna to send maintenance to inspect bench and see if can be repaired or replacement is needed. Luna to mark as broken with caution tape to warn owners.*

### **Sidewalks**

*Luna to send list of sidewalks needed to be installed in the community to Craig Woolard with Public Works. City to enforce installation of sidewalks in the community after formal request made.*

### **Phase 3 Berms**

This summer the berms were sprayed and irrigated. This fall they will be seeded in hopes to improve overall appearance.

### **Fall Community Meeting**

Date set for Wednesday, September 18<sup>th</sup>. *Luna to send notice to owners with next round of invoices. Luna to create agenda and BOD will finalize at September meeting.* Ideas to add to agenda: Sidewalk update, Capital Improvement updates (wells, Phase 6) Update on Phase 2B and 2A, Berm Maintenance Update). Luna to email proposed agenda prior.

**Meeting Adjourned: 1:43pm**

**Next Meeting Date: Wednesday, September 11<sup>th</sup>.**