

## **ULVHA Meeting Minutes—September 15<sup>th</sup>, 2015 (Prepared by Mark Woodward)**

### Board Members Present:

ART GIDEL (President)  
LARRY WILKINSON (Treasurer)  
MARK WOODWARD (Secretary)  
TERRY JOHNSON  
LLOYD TWITE  
PAT LAURIDSON  
CAROLYN HART  
DAN CEDERBERG

### Board Members Absent:

None

### GUEST:

BILL KIRCHHOFF (Homeowner)  
JACK WALTON (Homeowner)  
BILL LOVELL (Homeowner)

Meeting called to order at 7:00 PM. Minutes to the April 16<sup>th</sup> were amended and approved.

Financial Report—Larry Wilkinson: ULVHA checking account balance--\$33,041.87 with \$12,041.87 available. Expenses paid to date in 2015 were \$11,410.30. The RSID balance as of 6-30-15 was at \$20,558.00. Total of expenses paid since last meeting in April was \$3,015.24, of which \$1,763.00 was paid to the Tish's for violation letters issued, \$1,087.25 for Tru-Green weed & feed in the parks and \$164.99 paid to Terry Johnson for mailbox pedestal replacement.

Number of delinquent dues are currently at 15. Of the homeowners who have not paid annual dues, some have not paid since 2008. Assessments owed for homeowner covenant violations stands at \$1,600.00, of which \$100.00 has been paid. The Tish's sent a total of 101 violation letters in all.

Mailbox Repair Project—Terry Johnson and Bill Kirchhoff: In the April meeting, the board discussed the issue of the deteriorating mailbox pedestals on the cluster mailboxes at Rainbow and Nicole parks. It had been agreed that the board would pay for a new pedestal to see if the repairs could be carried out for a reasonable price. A motion had been made to allocate up to \$200.00 for a replacement pedestal and cost of labor to install it. The total paid for pedestal and labor for the install came to \$164.99.

Since the success of the trial-run on the one pedestal, the board discussed how the remaining pedestals could be paid for. Pat Lauridson asked if the repairs could be paid for by homeowner's dues. According to Dan Cederberg, in section 1, article 4 of the covenants, homeowner's dues could be used under the recreation, health, safety and welfare for such improvements. Annual assessments or a capital improvement assessment could be levied on homeowners, however this would require a 2/3rds vote of homeowners. A special meeting could also be called and the issue

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voted on at that meeting. The meeting would require a quorum of 10 percent of homeowners of which a 2/3rds vote of that quorum would be required to pass.

A motion was made by Lloyd Twite to pay for up to 5 more pedestals to replace the ones in the worst state of repair. Lloyd Twite also added that Travis Tish would be paid to install the pedestals. In addition, another \$500.00 for painting for some of the mailboxes. Since there was an issue of potential liability, the board agreed that it would act sooner rather than later. The motion was seconded and passed with all members in agreement. Bill Kirchhoff also stated the boxes at Nicole and Rainbow parks badly needed touch-up paint. The board also discussed the possibility of assessments for the future costs associated with this project. No further decisions were made at this time.

Covenant Enforcement—Art Gidel: Art discussed the success of Travis and Maritza Tish's tours of Linda Vista for violations and proposed having them conduct tours all year round. A motion was made and seconded to ask the Tish's conduct year-round tours. Motion passed.

On the issue of landscaping tours, Terry Johnson has taken 4 tours this year. He sent 56 "first letters" (compared to 54 last year) and 10 "second letters" (compared to 12 last year). Terry sent on "third letter" which resulted in a \$100.00 assessment. There was some discussion on the possibility of sending only one letter before a fine was assessed instead of two letters. It was decided however that two letters would still be sent. Terry also requested that someone might assist him with some of the letter writing. Board member Carolyn Hart volunteered to assist Terry.

On another issue of a homeowner who frequently violated covenants (specifically parking a utility trailer in front of his house) and continually refuses to pay his homeowner's dues, Art Gidel asked Dan Cederberg what could be done regarding the homeowner (who currently owes \$700.00 for covenant violations and \$350.00 in past dues). Dan stated that he sent the homeowner a letter giving him until the 15<sup>th</sup> of September, 2015 to comply. If refusal continues, the homeowner could be issued an injunction or sent to collections. According to Larry Wilkinson, the homeowner has moved the trailer. Art asked about the possibility to allow he and Larry Wilkinson (treasurer) to implement a standard collection letter (which would be reviewed by the board) to enforce collection of assessments over 150.00 to resolve issues of chronic non-compliance by homeowners. Art Gidel made the following motion:

Motion authorizes the President and Treasurer to implement the Standard Collection Letter drafted by legal counsel and reviewed by the Board. Provided both officers agree, Treasurer may authorize legal counsel to send the Standard Collection Letter to enforce collection of outstanding assessments over \$150 and to resolve any continuing non-compliance. The Treasurer will notify legal counsel whether or not the letter resulted in payment by the deadline date in the letter, and if not paid, legal counsel will promptly send the unpaid amount to a collection agency. President and Treasurer have discretionary authority on the timing and issuance of (1) reminder payment notices from the Treasurer to homeowners and (2) the Standard Collection Letter, and on other administrative matters such the need to send additional

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covenant non-compliance assessment letters after the Standard Collection Letter has been sent. President and Treasurer will report at each Board meeting all actions taken and any actions deferred or postponed, so that the Board can monitor and supervise collection efforts. In the event the Treasurer and President do not agree, they will ask the Board for guidance. This motion does NOT authorize the President and/or Treasurer to initiate any further legal action such as a lawsuit.

The motion was seconded. Motion passed.

Dan Cederberg also had an update regarding the homeowner with the fence that has continually refused to respond. At this time there is an outstanding balance of \$950.00 in assessments and \$2000.00 in attorney fees. A Judgment is pending.

Pat Lauridson had an issue regarding his neighbor's fence (behind 4885 Christian Drive) where the fence has been built right next to his fence with about a 1 foot strip between them. There was some discussion by the board and in the end, Pat stated that he would speak with his neighbor and try to work out a solution.

There was also a discussion regarding the number of trees per house and that some yards do not have the specified number of trees per the covenants. The covenants state that each homeowner will plant 4 trees the 1<sup>st</sup> year and 4 trees each year in the following 3 years. Some homeowners have not planted enough.

Lastly, there was a question concerning a homeowner who had an issue with tree roots from his neighbor's yard growing into his yard. The homeowner was advised to call an attorney on the matter, since the covenants do not address this issue.

Parks Report—Art Gidel: Matter of weeds in Kelsey Park was discussed. There was a \$500.00 quote from Guru Lawn Care for removal of the weeds in the sand playground area. Guru would use a rototiller. Another option was to spray for weeds (cost \$240.00) however the board did not want to use spray. Board decided that weed removal with the rototiller would be tried and the expense would come from the RSID. A motion was made and seconded. Motion carried.

Lloyd Twite informed the board that the park sign for the new Brooke Lynn Park was going to be made by the City Parks Department. The park will be transferred to the RSID.

Regarding the recent story in the Missoulian on the building of the new Cold Springs Elementary School in the future Jeffery Park site, Lloyd stated that he had received a call from representatives from the school district about the issue. It had never been stated that the building of the school on the property was a viable option, however the story came out that way. Lloyd stated that he called the school the next day and stated that the site would not be considered for the school. The park will instead be donated to the city in addition to another 3 acre parcel. Also, there will be a new trail system from Avery Lane to Alisha (west of Jeff Ln.)

Special Report—Jack Walton: Guest Jack Walton reported to the board on a recent meeting he attended at the Miller Creek Neighborhood Council on 8-26-15. About 55 people attended. Jane

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Kelly spoke about the council and how it came to be. School Super Intendent, Mark Thane was also there and spoke about the New Cold Springs School being built somewhere in the area. Most people at the meeting did not want the school built in Linda Vista. Jack was also elected to serve on this board which was comprised of seven members.

The last issue discussed was the upcoming newsletter. Pat Lauridson is in charge of the newsletter this year and will be sending out a draft to all board members for approval.

Meeting adjourned at 9:30 PM