

Upper Linda Vista Homeowners Assoc. *Meeting Minutes*—Sept. 14th 2017

Board Members Present:

ART GIDEL (President)
MARK WOODWARD (Secretary)
TERRY JOHNSON
PAT LAURIDSON
LLOYD TWITE (Architectural Control Chair)
PATRICIA DASILVA

Board Members Absent:

CAROLYN HART (Treasurer)

Others Present:

DAN CEDERBERG (Atty)
BILL KIRCHHOFF (Homeowner)

Meeting called to order at 7:00 PM. Minutes for the 2017 Annual Meeting and minutes from the 2-27-17 meeting were reviewed and accepted with amendments.

Financial Report—Art Gidel: Art Gidel presented the financial report submitted by Treasurer, Carolyn Hart (absent). At the time of this meeting, the balance of the ULVHA was at \$34,860.11 with \$13,860.11 available. Deposits year to date totaled \$18,390.00 with a total of \$11,070.03 in expenses. The cash balance of the RSID was at \$17,990.00 as of May 1st, 2017.

Two additional bills \$39.46 (postcards and stamps sent out by Patricia DaSilva) and \$50.00 (meeting room rental) needed board approval. A motion was made and seconded to pay these bills. Motion passed.

Covenant/Legal Reports—Art Gidel and Dan Cederberg: On September 7th, Mark Woodward received a call from a Mr. Robert LaBrie (a Missoula area realtor) who advised him that he had buyers for a home in Linda Vista and wanted to clarify weather or not they could rent out their basement if they were the primary occupants of the house. Mark was not certain on the issue and asked Mr. LaBrie to contact board president Art Gidel. Mr. LaBrie stated that he had tried to contact him by phone with no luck. Mark asked Mr. LaBrie to send him an email, which he would then forward to Art.

In several subsequent communications between Art Gidel, Mr. LaBrie and Attorney, Dan Cederberg, LaBrie was advised that the position of the board (after review of the covenants) was that BNB/VRBO use of homes in Linda Vista would be a violation of the covenants.

On another issue of legal consequence regarding the ongoing lawsuit of a Mr. Vance and his property located at 6715 Linda Vista Blvd., Dan Cederberg informed the board that Mr. Vance had failed to answer the court and had taken no action to correct the issues addressed in the lawsuit. Dan informed the board that he had filed further legal documents to move the suit forward.

There was also an issue regarding a potential day-care at 3315 Cathy Court. Art informed the board that he had received a query from a homeowner about the day-care, however the caller was not sure that there was indeed a day-care at that location. The board members reaffirmed the position that businesses such as day-cares were not permitted as they constituted a business with potential impacts on neighbors due to traffic, parking and noise levels. A motion was made to have the board monitor and enforce provisions of the covenants referring to the prohibition of businesses in the neighborhoods due to the possible negative impacts (noise, traffic parking, etc.) associated with certain business activities.

Next, the board discussed an issue concerning a homeowner on Christian Drive who had to re-paint her house. This homeowner had questioned the ACC (Lloyd Twite) and his authority to require the re-painting of the house after she had already chosen a color. Dan Cederberg reviewed the covenants and prepared an opinion explaining the covenants as well as the duties of the ACC. Art send a copy of the opinion to the homeowner.

Art stated that he had received a separate complaint about a fence on Christian Drive. The issue was also discussed by the board. It was decided that fences also fell under the authority of the ACC. Fence type and height was also addressed in the covenants.

There was a discussion of weeds in the new subdivision near Alishia Drive on a few vacant lots. Lloyd stated that he had sent a letter to the owner of the lots and informed him that the weeds had to be controlled.

Regarding the issue of bike lanes in Linda Vista, the board discussed the possibility of future plans the city might have of painting bike lanes on other streets such as Christian Drive and Shaver Drive. A motion was made to have Art send a letter to the city Bicycle Pedestrian Committee, requesting that *share-the-road* markings “Sharrows” be painted instead of bike lanes. The city had agreed to do this on Linda Vista Blvd recently. The motion was seconded. Motion passed.

There was a \$650.00 repair made to the sprinkler controller in Kelsey Park earlier this summer. There had also been a repair made to a broken sprinkler head in Bridge Park. This damage however had been inadvertently caused by Guru Lawn Care. Guru paid for the repair.

Other business—The board discussed the issue of a new SID to replace the RSID for maintenance of the county parks. This issue had been previously explored since it was apparent that the current RSID (which did not include most of the homes in the new subdivision) would eventually run out of funds. At this time there were no new developments.

Landscaping in Jeffrey Park was completed. It was possible that funds might exist for soccer nets and or baseball backs stops, however current fund levels were insufficient for any other developments.

The board discussed a complaint made by a homeowner regarding speeding vehicles. The homeowner who made the complaint was directed to voice his concerns to the traffic division at the Missoula City Police Department.

Bill Kirchhoff brought up several issues (dying trees on Miller Creek Blvd., sand needing cleaning in the volleyball pit at Kelsey Park as well as the trash cans in the park needing maintenance). Also there was an issue of some mailbox clusters needing repainting. Mr. Kirchhoff speculated about the possibility of getting volunteers in the neighborhood at a future date in the spring to address these issues. After some discussion, Mr. Kirchhoff added that he would also bring the subject up at the next Miller Creek Neighborhood Council meeting. The board was definitely open to teaming up with other groups to facilitate action.

Lastly, Art Gidel coordinated the unanimous election of officers through e-mail on May 5, 2017. The below officers will serve through the next Annual Meeting in March 2018. E-mail documentation of the votes is archived on Art's computer.

President - Arthur Gidel

Secretary - Mark Woodward

Treasurer - Carolyn Hart

Meeting adjourned at 9:03 PM