

Upper Linda Vista Homeowners Assoc. *Meeting Minutes*—September 11th 2018

Board Members Present:

ART GIDEL (President)
MARK WOODWARD (Secretary)
TERRY JOHNSON
PATRICIA DASILVA
BRIAN ZOTTNICK
LLOYD TWITE (Architectural Control Chairman)

Board Members Absent:

CAROLYN HART (Treasurer)

Guests:

DAN CEDERBERG (Atty)
JACK WALTON

Meeting called to order at 7 PM. Minutes from 5-8-18 meeting were amended and approved.

Financial Report—Art Gidel: In the absence of Carolyn Hart (Treasurer) Art Gidel opened meeting with several bills that had been paid this summer. One bill was for True Green for weed and feed application (\$855.58). A bill for \$23.00 for post cards. Three bills, each in the amount of \$345.00 for covenant enforcement and \$50.00 for the rental of the meeting room. There were no new bills presented for approval.

Covenant Enforcement—Art Gidel: The board had received a complaint about a possible Air BNB (house being used as a vacation rental) located at 4874 Scott Allen Dr. Further research into the matter confirmed the house appeared to be listed on an Air BNB website and photographs of the room and surrounding yard appeared to match. Dan Cederberg contacted the City of Missoula to check if the house was licensed to operate as an Air BNB. It was not. The city requires that all Air BNB's be licensed, per city ordinance. It was also discussed if such an operation was acceptable under the covenants. According to Dan, such could be considered a violation of the Covenants under the commercial use of property provision (Article VII, Section 2). In addition, our last news letter which had been sent out to all homeowners, specifically addressed the use of Air BNBs. A motion was made requesting that Dan call the city and follow the complaint process and also have Lloyd Twite contact our covenant-enforcement person and have a letter sent to the aforementioned address to inform the homeowner. Motion passed.

In a previous meeting, the board had discussed the issue of a homeowner at 4075 Kaleigh Ct. raising chickens for the purpose of having a certain kind of egg for health reasons. The board had discussed having the homeowner provide medical documentation from his doctor to verify the absolute need to have the chickens. Some were concerned about potential push-back from the ADA (American's with Disabilities Act). The board decided to table the issue for now.

Art informed the board that he had seen a truck from a solar panel company in Linda Vista. Lloyd Twite stated the he had recently spoken to "Mike" from Big Sky Solar, who

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told him that there is a “federal override” on homeowner covenants that disallow solar panels. Dan Cederberg was asked to research this issue. He stated that he found no such “federal override” laws which would prohibit homeowners’ associations from disallowing solar panel installations.

Fall News Letter—Patricia DaSilva: Newsletter should be out sometime in November.

Parks Report—Art Gidel: Dale Kohler has blown out all the sprinkler systems in the county owned parks. Guru Lawn Care mowing went smooth this year. Art stated that there is a need for a volunteer to fill the dog bag dispenser in Jeffrey Park. Patricia DaSilva stated that she would do this. Art stated that he would order more bags. Discussion on the dead grass in Jeffrey park. Several members believed that the problem was due to a lack of water, however park officials from the City Parks Dept., stated that it was from bad seed. The seed company however stated that the seed was good. The parks department approached Lloyd Twite, who agreed to pay for half of the new seeding, although it was still the opinion of others that the problem was due to lack of sufficient watering.

Other business: Dan Cederberg informed the board that he was planning to phase out his law practice. He suggested to the board that they should consider another attorney for future consultations. Dan had a few suggestions.

In the May 8th meeting, two homeowners, Wendy Melvin and Shannon Cook had approached the board and asked for advice on how to raise money for playground equipment for Jeffrey Park. Originally it was planned that a playground would be installed in the park, however due to other, unexpected costs, there were not enough funds to purchase and install the equipment. In the meeting, members of the board stated that Melvin and Cook might be given the ULVHA mailing list to assist them. Later in the meeting a board member expressed some concern over giving out the mailing list. There was a discussion by board members at that time however the issue was unresolved. Art Gidel stated that he had invited Wendy Melvin to the current meeting, however she did not show up. After further discussion, a motion was made and seconded, to release the addresses on the mailing list, but not individual names of homeowners. Motion passed.

Meeting adjourned at 9:00 PM