

TIMBRSHOR ASSOCIATION SPECIAL MEETING
August 10, 2012 AT 3:00PM
On the Timbrshor grounds

Agenda

Call to Order

Presentation of Proxies

Determination of Quorum

Presentation of New Board Members

Approval of minutes of past meetings (July, 2011; July, 2012)

Announcements

Discussion of drainfield plan with groups reporting their progress

Summary of Motions:

- Motion to accept the 2011 minutes – motion passed 28-2
- Motion to accept the 2012 minutes – motion passed 28-2

Call to order: 3 PM

Present: Liahna Armstrong, Tom and Caryl Cox, Aleta Mead, Beverly Rountree, Fred and Anne Long, Tom and Sue Roy, Beth Ammons, Ruth Rotondi, Julie Kuykendall and J.B. Anderson, Bill Borchers, Doug Rotondi, Ken and Bev Stam, Dan McCarthy, Jack Manning, Jim Payson, Dennis Duty, Jill Nichols, David Johnson

Presentation of Proxies:

Caryl Cox for Margaret Caraway; Dennis Duty for Tim and Kristen Rose (Power of Attorney); Dan McCarthy for Blake Johnson; Aleta Mead for Tom and Ann Brooke; Doug Rotondi for Lorin Peterson; Doug Rotondi for Jock Schwank; ~~Dennis Duty (Power of Attorney) for Nichole Michione~~; Dennis Duty for Kristen Rose (unit 201, Limited Power of Attorney)

Determination of Quorum:

It was established that a quorum of members and proxies was present. Thirty out of 50 members or proxies were counted.

Approval of 2011 Annual Homeowners' meeting minutes:

Dennis Duty read a letter (Aug 10 email below) from Kristen Rose objecting to several items in the minutes.

“On Fri, Aug 10, 2012 at 2:41 PM, Kristen Rose <krissyroo@hotmail.com> wrote:

Tom Cox and Timbrshor Board,

Tim and I would like to proposed some amendments to the meeting minutes prior to approval at tomorrows meeting. Dennis Duty will attend the meeting on our behalf and will have a hard copy of these proposed amendments and corrections in hand.

Timbrshor Homeowners Meeting, July 2, 2011

Proposed Corrections

Lodge Construction

Any reference to what Kristen Korell may have said during the meeting should be removed. She did not acknowledge that she was aware of the rule. She was not allowed to speak completely and was repeatedly interrupted each time she tried to speak, therefore any meeting minute references to her comments should be removed. Specifically the reference to Tim Rose seeking an earlier variance in paragraph four and all of the content contained in paragraph four was never discussed during the association meeting. This was discussed during the Board meeting prior to the Association meeting and therefore should be completely removed. In paragraph five, we take exception with the statement that Phil Korell “enforced the rule against numerous other owners” that was not stated at the meeting and therefore should be stricken from the minutes. There is no documentation anywhere that states that Mr. Korell “enforced” this so-called rule. For the record he does not even remember “informing” other owners of the rule.

Timbrshor Homeowners Meeting

July 7, 2012, Proposed Corrections

1. It is important to acknowledge that the minutes are written and interpreted by the Board of Directors or their assigns. We think it is important to have an audio recording of what was said by whom. The minutes could then be written from a taped recording, not necessarily verbatim, but then if there were a debate on what was said, you can always go back to the recording for verification. Secondly, it would also protect the association if legal action were pursued.
2. There was no mention of the attempted video recording of the meeting and the denial of the board for such recording. It was asked who decided that it should not be recorded and it was acknowledged that the board had decided five minutes before the meeting.
3. There was no motion to approve the two new board members by acclamation. To make the election correct, this should be done.
4. No mention of the fact that a sign-up sheet was passed around for everyone to get their email addresses. Lianna Armstrong was going to get the list assembled and in the spirit of “transparency” it was stated that all owners would have access to the list to correspond with each other. This has not happened.
5. The litigation references are incorrect in the budget notation. The Roses have repeatedly contested the existence, validity and enforcement of the construction moratorium rule as it constitutes an restrictive covenant. They have NEVER refused to abide by bonafide rules nor will they in the future. The continued misrepresentation by the board in the form of emails and in the form of meeting minutes will be disputed in a court of law.

I have cc'ed a selection of Timbrshor members but still do not have a comprehensive list. If you receive this email, would you please forward it to your respective timbrshor association lists, even if it might cause duplication.

MANY THANKS, Kris Rose”

Discussion was held and Mr. Duty asked if the Roses’ suggestions would be incorporated into the minutes. He was told no, as they were not accurate according to the minutes and association members present also reaffirmed that the minutes were accurate.

Both Jack Manning and Beth Ammons reported specifically recalling comments made during the meeting acknowledging Phil Korell’s enforcement of the summer building moratorium. Beth said her brother Carl specifically stated that Phil had enforced the building moratorium for the Ammons during their remodel.

There was discussion regarding the appropriateness of audiotaping the meetings in order to have a more accurate record. Dennis Duty said all Homeowners Associations (HOAs) he had been involved with audio-tape their meetings. Several others members echoed Mr. Duty’s request. Several members said that there should be no audio recordings of the HOA and other meetings. Both Dan and Jack stated that boards they had served on never permit audio-taping, and that audio-taping can serve to quell conversation. The Board of Directors (BOD) said it would take under consideration the audio recording of the meeting minutes. The discussion ended with the ban on audio recording still in force.

Bev Stam objected to the way the July 2011 homeowners’ meeting deteriorated and said she was disgusted with behavior of the HOA. Jack pointed out that most of the negative comments were generated by the Roses, and that it is time to move forward.

Fred Long first made a motion to accept the 2011 and 2012 minutes. He was told that we need to consider the minutes for each meeting separately. Fred then made a motion to accept the 2011 minutes. Sue Roy seconded. The motion passed 28-2.

Approval of July, 2012 homeowners’ meeting minutes:

Dennis Duty read Kristen Rose’s concerns about the 2012 minutes. See email from Kristen above. The issue of taping the meeting as a means of being transparent came up again. Liahna stated that she has compiled an email list to make communication with the homeowners easier.

Tom Cox suggested a change in the minutes to reflect the fact that Dan McCarthy made a motion and Jack Manning seconded to nominate Blake and Liahna to three year at-large terms, and that they were elected by a unanimous voice vote.

Tom Cox then read the following email from Nicole Borchers-Michione stating concerns with the minutes:

“Tom, I would like to strongly encourage that the board member meeting minutes identifying my statement be accurately if they are to be placed into record.

What is currently detailed is not accurate as to present my questioning of the board's failure to follow proper decorum with a motion, a 2nd, followed by a vote of the board members, relating to any video taping.

Let us also document my additional questioning as to the meeting being opened by Tom Cox's request for homeowners to vote on the acceptability to hold that very meeting, out of compliance of the declaration, and by-laws. When asked if the board had any information from their attorney regarding this matter, the board stated they did not have any knowledge of this matter.

Additional reference to my request of disclosure of items/information presented to the board, by other home owners which I have knowledge of, was not specific to the litigation. This request was made, with an additional question of how many "other homeowners shared this same interest", at which hands began to raise, of other homeowner's concerns of what is occurring with Timbrshor, and it's board.

I strongly encourage, that if I am to be acknowledge into record, that my statements are absolutely accurate, without conjecture, as to avoid defamation.

Lastly, It was stated by the board, that the minutes where to be sent out to all members for review and amendment, prior to being voted on. I am assuming this is the extension on same.

Thank you in advance for the correction to the minute.

Nicole Borchers-Michione”

Tom stated that he emailed Nichole and asked her to suggest specific wording for changes to the minutes. No response was received.

Jill Selvig made a motion, seconded by Caryl Cox to approve the 2012 Annual HOA’s Meeting minutes as they were read. The discussion ended and a vote was taken. The results were 28-2 in favor. The motion was carried.

Drain field (DF) issue(s).

Several groups expressed concern about the DF on which they were located. They wanted to know if the groups were adjustable. They were informed that the groups were not set in stone and that other arrangements were certainly possible.

Also discussed was the role MTDEQ and Lake County in the DF design and approval process. Is there a holdup from them? It was pointed out that Lake Co. Sanitarian Sue Brueggeman may want to see final home sites placed and approved by the homeowners and the County. At one point, the County suggested that some undeveloped sites could be located on the perimeter of the boat yard. This type of relocation of sites from the original “approximate locations” defined in the Declaration would require 100% of the homeowners to agree and sign quit claim deeds to this common ground. This is not likely to happen.

So far with Territorial Landworks, Inc (TLI), we have gotten little more than we already had from Shawn Rowland's design work completed several years ago. It was also pointed out that MTDEQ and EPA regulations keep getting more and more restrictive. So, it is in our interest to move ahead as quickly as possible.

Fred Long expressed concerns about the wash house DF. Can the washhouse drain into the new DF B? Will another arrangement have to be made? TLI will be asked to address this.

Sue Roy reported on her DF C. Currently, a portion of DF C is within 100 feet of the McCarthy well. Options include asking for a waiver, moving the laterals that are within the 100 feet, or rebuilding the drainfield. Hopefully, the new version of the plan from TLI will address these alternatives.

Underground mapping of the current drain field locations would be very useful. Steph Isbell's husband Brad has ground mapping radar that could help accomplish this task. We will ask him if he would consider doing this. Preliminary costs for design and construction of the DF were discussed.

Jack Manning talked about DF D. The new plan needs to include existing hook-ups as well as how to accommodate new houses. Also discussed was the possibility that someone with an undeveloped lot may not want to buy into a new or an existing DF. If they choose not to participate then they may be denied a building permit. If they want to build, at some point they will be forced to upgrade or expand the nearest DF (or build a new one), at their own expense.

Doug discussed DF A. He said that almost everyone in his group is on board with getting the DF upgraded/expanded or a new one built ASAP.

Water rights.

Most houses at Timbrshor draw household water from the Lake. The State of Montana and the SKC Tribe are negotiating a new water pact that will include rules on uses of surface water. However, no one has much information on how this will impact homeowners at Timbrshor. The Board will and any homeowner can look into this further.

The WSD and BOD want to meet with the county in the near future to go over the septic issue(s). We assume that Lake County will honor their site location approval system they have applied at Timbrshor for the last 30 years.

Lastly discussed was: the BOD and WSD are trying vigorously to get TLI to fulfill its contract for a septic feasibility plan so the DNRC grant money can be received.

Dennis Duty pointed out with the DF issues that time is against us and we should expedite the process. He is willing to assist the Association with our septic issues.

Tom Cox thanked everyone for attending and for their input. The meeting was adjourned at 5 PM.