

MARCH 9, 2022 MINUTES OF BOARD MEETING

CALL TO ORDER. Blake Johnson called the telephonic meeting to order at 5:00 p.m. MST. Present were board members Dan Novinski, Molly Manning Sue Roy, Doug Rotondi. Jim Cole also participated.

APPROVAL OF MINUTES OF JANUARY 24, 2022. Doug Rotondi moved, Dan Novinski seconded, and the minutes were unanimously approved.

UPDATE ON WATER SEWER DISTRICT. The Timbrshor/Lake County Water Sewer District ("WSD") is being re-activated so it can apply for grants and loans to assist with the costs of the well water system. Sue reported that Lake County can make emergency appointments to the WSD. Loring Peterson, Caryl Cox, Crystal Ault, Jack Manning and Tom Roy have volunteered for these appointments. Lake County will arrange to swear them in by a zoom meeting in the near future. Sue reported that one engineering firm which writes grants would charge \$17,000 for applying for two grants with the State of Montana.

Since the well-drilling has been postponed, it was suggested that we explore the possibility of getting an extension with the DEQ. Blake advised that Greg Lorensen is doing this.

DISCUSSION ABOUT THE USE OF COMMON PROPERTY AND THE NOVINSKI STAIRWAY.

Issues arose with the sale of Kimberly Maxwell's property, as the prospective owner surveyed a site larger than Kimberly was selling and in a slightly different location. Blake advised that the resolution was that the site would be drawn later by the new owner. There was a general discussion about the group deciding the metes and bounds of undeveloped lots or defaulting to the County to enforce what is on the plat of record. Jim noted that the 40 X 40 has been the acceptable lot size with a standard of 3 bedrooms.

Next discussed was the stairway Dan Novinski started to build on common property from his house to the shore. The Board was unaware of the stairway, as it was not part of the original plans. Dan stated that some of what has been considered a common walkway in front of his cabin is actually part of his original deeded land. It was noted that the HOA spent \$7000 to repair the common property stairs which extend to the beach 12 years ago. Dan stated that the stairways adjacent to his cabin, the ones going up to Maggie and Troy's, and down to the beach, were in disrepair. Several people had fallen on the broken stairway this past summer. Dan felt this was a liability for the HOA.

Dan stated that with his remodel, he moved his previous west walkway to the east side which would more accurately reflect his deeded lot. It would also give more space from the Brooks/Lewis cabin. Dan advised that the Nelsons also want to build a stairway. Sue noted that there is a path between the water and the rocks which people, including children, use. The landing at the end of Dan's stairway may infringe on this path. Dan advised he could modify the stairway to limit this infringement.

The legal aspect was discussed. All members own two (2) percent of the common property. Molly, Rob Erickson (Hoa's attorney) and Sue agreed that the Board does not have authority to permit members to take common property for their private use. A vote of the entire membership would be needed. The presence of other stairways on common property was noted, but that fact begged the question of how to manage this issue now and in the future. Molly advised that some HOAs have subgroups, perhaps for different areas. Such a change in governance would require 100 % approval. It was noted that all members use the beaches and water access areas.

Dan and the board discussed the HOA inconsistencies regarding common property use by members in the past with deck extensions, stairways, a well, and storage/workshop units. Dan stated that some of the current stairways and storage/workshops built on common property were never allowed or disallowed by the HOA board. Additionally, some of the boat yard storage units/workshops are partially on Dan's private property. There was discussion that perhaps rental fees should be charged for boat storage and for sheds in the boat yard. It was noted that the stairway at issue is in a pristine highly visible area compared to the sheds in the boatyard. No action was taken.

DISCUSSION OF KEVIN ROY'S REQUEST TO BUILD A DECK TO UNIT #428.

Kevin Roy is purchasing Unit #428, which was owned by Adam Rys-Sikora. Kevin asked Blake if he could be allowed to build a 16 X 25 foot deck on the upper level, a smaller one underneath and enlarge the deck on the east side. He wants to start building before the construction moratorium starts on June 15th. These decks are not within the plat filed with the County and, thus, are on common property. Kevin mentioned to Blake that #428 was used as a VRBO in the past and that would be a way to defray expenses. (After the board meeting Blake explained that he pointed out to Kevin that the renters were not always well behaved and violated Timbrshor rules. Kevin replied that he did not want to do anything to upset the community or his neighbors.)

MOTION TO ADJOURN. By unanimous vote, the meeting was adjourned at 6:25 p.m.