

In The Matter Of:
THE LAKES WHITEFISH v.
13TH ANNUAL MEMBERSHIP MEETING

July 16, 2020

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THE LAKES WHITEFISH

13th Annual Homeowners Meeting
The Lakes Master Homeowners Association, Inc.
Thursday, July 16, 2020, 5:30 p.m.

Held at: The Canoe Club
 4219 River Lakes Parkway
 Whitefish, Montana

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A P P E A R A N C E S

Board Members:
Steve Kane - President
Don Hanson
June Hanson (Monterra Appointee)
Julie Hankinson
John Murrey - Secretary Treasurer

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1 Thursday, July 16, 2020

2 MR. KANE: It's 5:30, everyone. Let's go
3 ahead and get this meeting going. I'll officially call
4 it to order. This is our 2020 Member Annual Meeting,
5 and I want to welcome everyone here both that decided to
6 come and bear the sun and the breeze here tonight to be
7 here in person, as well as the folks on the phone. And
8 hopefully everyone on the phone here today can hear me
9 as well. I'd like to especially welcome the people that
10 are new to the HOA this year. We've had a lot of things
11 transpire since last year, especially COVID. And you
12 can see by the format here things have changed
13 dramatically from being inside the Canoe Club, and no
14 masks, and not being outside with the separation that we
15 all have. So, anyway, thanks for coming tonight. And
16 everyone on the phone thank you for attending the
17 meeting.

18 The purpose of our annual meeting is no
19 different this year than it's been in previous years,
20 and even with the masks and all of the changes that we
21 have here tonight. But the purpose is for everyone here
22 on the board to have an opportunity to share with you
23 all the things that have transpired here with the Lakes
24 HOA over the course of the last year, and also to take
25 your questions. And just in the interest of time we

1 would like to take questions at the end of the meeting.
2 And once the -- the official HOA meeting is completed,
3 at that point we'll go ahead and adjourn this meeting,
4 and then we'll move on to the Canoe Club meeting.

5 So I'd like to now have board member
6 introductions. And I'll introduce myself first. Steve
7 Kane, and I've been the president of the board this
8 year. I'll hand the microphone off to Julie here.

9 MS. HANKINSON: Hi, I'm Julie Hankinson, and
10 I am retiring from the board. Today is my last day.
11 I'm a former president, former secretary and financial
12 person, and today is my last day. And it looks like we
13 have a fabulous person who is set to replace me, so
14 thank you.

15 MS. HANSON: My name is June Hanson, and I
16 am the representative from the Monterra.

17 MR. MURREY: My name is John Murrey. And I
18 guess I've got another two years to serve. I've only
19 been on the board one year now.

20 MR. HANSON: I'm Don Hanson. I've been on
21 the board for two years now. And I moved here in 2012.
22 And, anyway, we're here to work on your behalf. Thank
23 you.

24 MR. MURREY: Can everybody hear us?

25 UNIDENTIFIED AUDIENCE: Yes.

1 MR. KANE: Does it need to be louder? Does
2 it need to be louder?

3 UNIDENTIFIED AUDIENCE: Yes.

4 MR. KANE: That's a, yes, okay. Is that
5 better?

6 UNIDENTIFIED AUDIENCE: Yes.

7 MR. KANE: Okay. So let's first start with
8 the year in review. And this has been an interesting
9 year so far in 2020. We had some significant management
10 changes that took place in March of this year. And it
11 was the desire by the board to have a single dedicated
12 manager that was responsible for -- responsible for the
13 management of the HOA.

14 In the past we've had -- there were two
15 managers that had been trading days, and it's been a
16 shared-management arrangement. But we just thought with
17 all of the projects that are going on within the HOA,
18 and the fact that this HOA is growing so dramatically
19 over the course of last year, we needed to make the
20 change.

21 And I tell you, I am so happy that we did
22 that, especially with the advent of COVA and -- this
23 COVID -- and all of the things that Karley Connolly has
24 done, and also Tom, our maintenance person, has been --
25 they've been both very, very helpful in working with us

1 to make sure that the Canoe Club is as safe as possible
2 for all of the members that are participating and taking
3 advantage of the Canoe Club.

4 So I'll move on here to the Architectural
5 Review Committee. Lots of things transpired there. We
6 had our long-time coordinator, Bill Sawtelle, leave the
7 coordinator position. And that coordinator position has
8 been picked up by Karley. We thought that would be a
9 great fit since she's moved into the overall management
10 -- single management -- of the HOA. And she's done this
11 before, been the coordinator before, so we thought it
12 would be a perfect fit for us. And it certainly has
13 turned out that way. And Bill is in the process of
14 helping her in the transition. And it's working out
15 very well for us so far.

16 We've had some board members retire, as you
17 can see here. We also had a new board member by the
18 name of Jeff Daniels join the ARC review committee, and
19 very pleased to have him. He's a long-time builder, and
20 he's got a lot of experience in the building industry
21 and brings a lot of skills to the Architectural Review
22 Committee.

23 Also, Scott Singer -- and I don't see Scott
24 here tonight -- but he was a previous board member -- so
25 I don't know if he's on the phone or not -- but he was a

1 previous board member and now an ARC member, and we're
2 pleased to have him with his experience on the
3 Architectural Review Committee as well.

4 And, Bill, it's hard for him to leave the
5 Architectural Review Committee, and we're actually
6 pretty happy about that. But Bill is still an alternate
7 member of the Architectural Review Committee, and we're
8 happy to have him there.

9 We are seeking another alternate for the
10 Architectural Review Committee. So if there's any -- if
11 there are any members that are either on the phone here
12 tonight or here in person, if there's an interest in
13 participating in the Architectural Review Committee,
14 please get ahold of Karley Connolly and let your
15 interest be known. We'd love to have another alternate
16 supporting the Architectural Review Committee at this
17 point. It's very busy.

18 And by very busy I mean, as you can see down
19 here on "Letter i," that there's fourteen builds in
20 progress, five upcoming builds and one remodel. So
21 overall this homeowners association is very, very busy.

22 One of the things that we did from an
23 Architectural Review Committee standpoint this year is
24 review and update the guidelines. And these guidelines
25 are available -- and I think they're -- are they

1 available hard copy right out front here?

2 MS. CONNOLLY: At any time.

3 MR. KANE: Yeah, okay, they're available
4 from Karley any time. And I believe they're also on our
5 web page now. So you can take a look at the HOA web
6 page and see those architectural review guidelines and
7 the changes that have been made. They've been primarily
8 administrative in nature, but there were a few more
9 high-level content changes to those guidelines basically
10 to kind of update them and make sure that they are
11 consistent over all of the communities here in the
12 Lakes.

13 We have -- as far as items in review for the
14 year, we're also in the process of doing a lake bid
15 evaluation. And it's been some years since we've had
16 all of the lakes looked at, from an evaluation
17 standpoint, to make sure they're still in good working
18 order. And that's pretty much wound up now. I think
19 there may be a couple of things that need to be taken
20 care of in terms of getting the evaluation completed.
21 And then once we get that report from the company that's
22 doing it -- it's the Water Environmental Technologies --
23 then we'll also be able to incorporate their findings
24 into our reserve study that's going to be coming up that
25 we'll be doing here in the next few months, taking a

1 look at that.

2 One of the major endeavors that we had last
3 year was making significant revisions to the Omnibus.
4 And the Omnibus are the guiding documents for this
5 association. We've spent a number of hours on it, both
6 from the legal standpoint and also from a member
7 standpoint, including the board.

8 But as we went through the process of
9 communicating that out to the members of the HOA it was
10 fairly clear that we needed to table that and maybe make
11 some further clarifications and also maybe invest a
12 little bit more time in communication as far as the
13 changes to those guiding documents are concerned. So
14 those have been tabled for now.

15 Project Whitefish Kids, which is basically
16 all the kids that you see over here at Smith Field.
17 We're working on our water distribution and cost
18 maintenance agreement. And basically the conversations
19 that we're having right now are with the Project
20 Whitefish Kids. They have a pump in our facility here,
21 the Canoe Club, and we have a pump down also in the
22 river. And we are working on getting a better
23 arrangement as far as those pumps and the costs
24 associated with those pumps are concerned.

25 And the next item here is water rights and

1 easements. And that kind of ties right into Project
2 Whitefish Kids. We're working on transferring the water
3 rights from the original developer. Apparently, the
4 original developer -- for whatever reason -- never
5 bothered to transfer the water rights here to the
6 homeowners association, which is kind of an unusual
7 situation, and we found out about that.

8 And so the Lakes we're working with the city
9 and also with the Project Whitefish Kids, and we're
10 working on making sure that the Lakes, as well as the
11 city, have co-ownership rights to the water here. And
12 we're also working to get an easement on the pump that
13 sits down in the river; that essentially that pump pumps
14 all the water into the lakes that we have here and that
15 we enjoy here in the community.

16 We also have with the City of Whitefish
17 we're working on a boulevard tree agreement. The city
18 has been anxious to take responsibility for several
19 years actually for all the trees in the development, all
20 the boulevard trees. And we're in the process of
21 working with them on that and getting a memorandum of
22 understanding. And hopefully that memorandum of
23 understanding will get in place here in the next couple
24 of months.

25 Kallner Lane, one of the issues that has

1 come to light, and members have kind of run into issues
2 with, is walking or cycling on Kallner Lane. The owners
3 of homes on Kallner Lane insist that that driveway, that
4 street, Kallner Lane, is privately owned. And they've
5 yelled at a few members to get off, that it's private
6 property. And they even had it signed as such, that
7 it's private property.

8 Well, we -- because of the complaints that
9 we've gotten from members and concerns that we've gotten
10 from members, we did an investigation on this, and we
11 looked at it ourselves. And then the complexity of this
12 it got to the point where we needed to ask our attorney
13 to help us with it. And she worked with the county and
14 also with the city. And what she found was that we
15 actually do have 15 feet of right-of-way, of easement,
16 on that road, and from the center of the road extending
17 all the way from Highway 20 to the river. And this was,
18 as we found out -- she found out -- it was a condition
19 of approval for the subdivision from the City of
20 Whitefish.

21 So feel free to walk on that. If there is
22 one of the homeowners there that are insisting that it's
23 a private drive and that you remove yourself from that
24 street, I would ask you to just ask those individuals to
25 contact Karley Connolly. Karley's got a package put

1 together for these circumstances, and she can send the
2 individuals a packet of information showing them that
3 this, in fact, is an easement that we have a right to
4 walk on. And if they -- Scott, we're going to hold
5 questions to the end of the meeting, if you don't mind.
6 Thank you.

7
8 MR. MCGEE: Okay.

9 MR. KANE: So that's the extent of what
10 we've got with Kallner Lane right now. So, again, if
11 anybody has issues, if these issues come up, please let
12 us know.

13 Cottage lots and the new Whitefish fire
14 code, we learned about this kind of in the back door
15 that Whitefish has a new code that requires properties
16 to be two feet off the property line. Cottage lots were
17 designed to be built on the property line along one side
18 only with ten feet on another side between the homes.
19 And so far they haven't been able -- the city hasn't
20 been willing to make any concessions on that. But we
21 are working, again with our attorney, to see if we can
22 get the remaining lots grandfathered into that so we
23 won't necessarily have to abide by these Whitefish --
24 new Whitefish fire code rules that were completely
25 different than what we've had in the past.

1 Item No. 6 -- there's a lot to digest here
2 so bear with me. There's -- so I appreciate you having
3 patience with us. There was a lot of conversation last
4 year about -- at the annual meeting -- about the traffic
5 light down here on Highway 40. And I'm sure all of us
6 have experienced the fright of trying to pull out on
7 Highway 40 from River Lakes Boulevard here, I certainly
8 have. It's been kind of scary turning either left or
9 right.

10 We have talked to the City of Whitefish
11 about it. And while they have been sympathetic,
12 apparently there was a state -- and this is a state
13 highway so the state does all of the evaluations on this
14 highway. It's not a city function. But the Montana
15 Department of Transportation is planning improvements on
16 Highway 40. But they don't feel in their wisdom that
17 there's any need for any traffic lights there on Highway
18 40, even at Whitefish Stage Road, which is kind of
19 interesting, since that is such a busy intersection.
20 But that's where it is right now.

21 Craig Workman from the City of Whitefish is
22 optimistic that these improvements that the Montana
23 Department of Transportation is going to -- the
24 improvements that they're going to make are going to be
25 helpful. Hopefully, that's the case. We'll see. I

1 keep my fingers crossed. If you want to know an update
2 on it, there's an e-mail address here in Helena for any
3 contact if you have any comments you want to make.

4 We talked, I think last year, about the
5 sidewalk replacement cost sharing with the City of
6 Whitefish. I think there have been a few people that
7 have taken advantage of that. And this is a great
8 opportunity where the City of Whitefish will share in
9 the cost 50/50 with you of repairing your sidewalk.
10 And the -- it's a good deal. This is the first time
11 they have done anything like this before. So if there
12 are people that -- if you do need a sidewalk
13 replacement, we do have forms inside the building here
14 that Karley has put out, and you can send that to the
15 City of Whitefish and they can work with you to help you
16 get that sidewalk replaced.

17 We've got kind of a long list here of policy
18 changes, as well as reminders. And I'll just go through
19 a couple of these. I'm not going to go through all of
20 them here, but some of the more important ones. We have
21 new HOA rules and regulations. We've adopted those.
22 And as we say here, this is a compilation of all the
23 policies that the board has adopted over the years. We
24 really hadn't in the past hadn't documented that in one
25 concise document. So we took the time this year to make

1 sure we did that so it was very clear and easy for
2 people to understand what the rules and regulations are.

3 MS. CONNOLLY: (Inaudible).

4 MR. KANE: Yeah. Copies, again, in the
5 Canoe Club here. And there are also -- there's also an
6 e-mail address here where you can pick it up on our
7 website.

8 Vacant lot mowing and weed control policy,
9 so this has been somewhat of a bone of contention with
10 members, and I've heard from a number of members about
11 -- concerned about lots being mowed. And from the
12 policy in the Lakes is concerned, the lots are to be
13 mowed by June 1st and also September 1st. And not the
14 Lakes but the City of Whitefish requires that all lots
15 -- these are undeveloped lots obviously -- that those
16 lots use some kind of weed abatement to help control
17 weeds. That's a requirement.

18 So I just want to make sure everybody is
19 aware of this, and hopefully in the future we can get a
20 little bit better response from lot owners to get lots
21 mowed in a timely manner. And if you don't, for
22 whatever reason, if you see a lot next to you that isn't
23 mowed by those dates, please give Karley a call. She's
24 got a number of e-mails ready to go to send to lots
25 owners to help them get motivated to get these lots

1 mowed and the weeds controlled.

2 Overall reminders here, home maintenance,
3 paint when needed. I had a nice surprise here after
4 that storm we had, that hail storm that we had on Sunday
5 a few weeks ago. And I got the whole front of my house
6 pummeled, so I get to repaint my house this summer. So
7 just keep in mind that when your paint is starting to
8 deteriorate, it's time to get those homes repainted.

9 Landscape maintenance, pretty much
10 self-explanatory there. All exterior changes must be
11 ARC approved. And landscaping, one of the questions
12 that came up last year was, what about landscaping?
13 Well, if it's inside your existing landscape envelope,
14 you can plant extra plants. You can plant trees, that
15 sort of thing. But if you're in a situation where
16 you're going to completely relandscape part of your
17 yard, then it's time to go ahead and get that
18 information over to the ARC as well as other
19 improvements.

20 Pets may be leashed and at all times be
21 picked up after. Store your trash cans. Fishing in the
22 lake, we have had some people fish in the lake before.
23 And just to make sure everybody knows, that this is
24 catch and release. I don't know that I'd want to take
25 any one of them home anyway to eat it. But it is

1 definitely catch and release.

2 MS. HANKINSON: Don't forget the garage
3 sale.

4 MR. KANE: Oh, did I forget the garage sale?
5 I almost forgot the garage sale. Yes, that's tomorrow.

6 MS. HANKINSON: Yes.

7 MR. KANE: And I can't see it on here.

8 MS. HANKINSON: It's actually 9 a.m. not 8
9 a.m.

10 MR. KANE: Yes, it's 9 a.m. It is 9 a.m. to
11 5 p.m.

12 MS. HANKINSON: It's actually till 3.

13 MR. KANE: Till 3, pardon me, 9 to 3. I
14 don't know where it is on this thing, so I'm having
15 trouble finding it here. So I apologize for that. And
16 it's also Saturday 9 to noon.

17 MS. HANKINSON: Yes.

18 MR. KANE: So you've got two days to go out
19 there and sell your goods.

20 MS. HANKINSON: Yes.

21 MR. KANE: Community update, we've got a
22 number of items of work in progress here. Irrigation
23 adjustment and repairs, we're always working on the
24 community irrigation system. And you can see Tom
25 running around in his little four-wheeler and making

1 emergency repairs and whatnot. So he's always on that.
2 Weed control is also something that we're heads up on at
3 all times. And turf repairs, of course, are important
4 to us to make sure that those are always in good shape.

5 Waterfall landscape, I don't know if you've
6 noticed, but at the entrance to the Lakes here, we've
7 got improvements to that whole waterfall area. And I
8 think that's a real improvement, and it looks great from
9 what it's been in previous years.

10 So that's all I've got. You're probably
11 glad to see that. And I'm going to pass it on to John
12 Murrey for his comments on financials.

13 MR. MURREY: Okay. You see we have an
14 agreed upon procedures. It's labeled as an audit. It
15 really is not an audit. It's very limited. No
16 discrepancies found. It is all that we need based on
17 our financial circumstances. Otherwise, we'd spend a
18 lot of money.

19 The accountants have recommended we now do
20 it only every other year, and I concur in that. The
21 accounting procedures issue there, we -- Karley was kind
22 enough to spend a great deal of time to document all of
23 the accounting entry procedures that we have with our
24 QuickBooks, very intricate, detailed process, the first
25 time it's ever been done, to my knowledge, considerable

1 effort. She needs to be complimented for that. It's
2 important so that the accountants can review it, which
3 they've done. And in addition, if anything should
4 happen to her so that somebody has a way of trying --
5 somebody has not been adequately trained would have a
6 way of keeping our books.

7 The operating accounts, you see the checking
8 account \$1,030 or so. Money market account, 23,000,
9 this is 2019. And the Architectural Review Committee,
10 67,200. The reserve account, \$102,000. Over to the
11 right, 2020, you can see the checking account about
12 7,400; money market, 30,781; Architectural Review,
13 \$72,007. The reserve account is 108,983.

14 We don't have a problem with accounts
15 receivable. They're pretty current, 99 percent plus.
16 The year-end budget for 2019 had a shortfall based on
17 the budget that we had planned of about 9,600 bucks.
18 The majority of that came from three sources: Legal,
19 which was pretty substantial; maintenance and payroll
20 expenses.

21 We had a reserve expenditure -- but it's
22 miniscule -- of about 925. You will normally see
23 probably more than that. The reserve is used to replace
24 equipment and so forth, and that's a pretty low number.

25 The first half of 2020 had a budget surplus

1 of 13,594. And, of course, part of that is we're shut
2 down so we're not spending the kind of money we would if
3 we had been open for business, clearly.

4 It looks like everything will be good as far
5 as we can see at this point in time for the budget for
6 the year. The dues have been pretty stable. They
7 haven't gone up a lot in the last eight years. The
8 financial statements are available upon request.

9 Anybody is free to see them, and we'll be more than
10 happy to discuss them with them or review them with them
11 at any time. So that's my report.

12 MR. KANE: Thank you, John. I want to just
13 take a couple of minutes here to talk about the election
14 of directors. First of all, I'd like to, once again,
15 thank your departing board member Julie Hankinson.
16 Julie has served for three years on the board, one year
17 as the president and did an excellent job. So we really
18 want to thank you, Julie, for all of your efforts, and
19 your hard work and skill that you brought to the board
20 position.

21 MS. HANKINSON: Thank you.

22 MR. KANE: Thank you. All the ballots
23 should be turned in here by the end of the meeting in
24 order for -- in order to be counted. We only have one
25 individual that has run for Julie's board position

1 that's going to be vacated here. So I'm assuming she's
2 going to be elected overwhelmingly with that. So we'll
3 see how that comes out to be.

4 And then just so everybody knows, we count
5 the ballots, as always. But then we send them to our
6 accountant for verification. So it's kind of an
7 official verification of the balloting, not so important
8 this year when there's just one individual running. But
9 in previous years when you have multiple individuals
10 running, it does become more important.

11 So, Lela, at this point if you'd like to
12 kind of get up and stand at the microphone, that would
13 be appreciated. Just maybe say a few words about
14 yourself and how long you've been here, and --

15 MS. NEWEY: I'm kind of short. Hi, so Rob
16 and I moved in in December and then came back in March
17 just as the COVID was shutting everything down behind
18 us. And we live in what you know as the Annau's house.
19 Can't hear? Is that better? Sorry. So we moved here
20 in March. And we've just loved it. We -- I've joked
21 with my friends that I would have bought this house had
22 it been in Somalia. It is just the dream house. We
23 love it. We love the porch.

24 And then this opportunity came up, and I
25 thought it's so hard to meet people. So I ran this

1 high-powered race to be on the HOA. And I'm really
2 excited that I am, and I look forward to meeting each
3 one of you and helping you. So, anyway, my name is
4 Lela. My husband's name is Rob. And thank you for your
5 kindness.

6 MR. KANE: Thank you, Lela. Don, I guess
7 you're up here.

8 MR. HANSON: Yes. Anyway, basically the
9 Lakes HOA board strives to preserve and enhance the
10 Lakes as the premier community of choice. And we
11 believe the membership input is a key link to achieving
12 our goals. And I think we're all excited about the
13 growth that's taken place here in the last few years. I
14 mean, it speaks for itself as to where people want to
15 move, and build, and enjoy a great lifestyle.

16 And so we do like -- would encourage people
17 to get involved in our HOA and the Canoe Club for that
18 matter. So if you want to volunteer or get involved,
19 we've got plenty of things to do. So feel free to join
20 us.

21 As far as managing security and promoting a
22 safe environment, there's lots of cameras around here.
23 So over the years we've had some concerns about some
24 things going on maybe in the evening, or after hours, or
25 underage, whatever. And so there's plenty of cameras

1 there, so be aware. It's pretty well documented who is
2 here and maybe what's going on. So, anyway, that's a
3 good step.

4 The trees have already been talked about.
5 Prudent management and financial resources has been
6 talked about. Actually, the board has spent a
7 tremendous amount of time with our CPAs and that as far
8 as our accounting system and doing the right thing.

9 So as far as continue to monitor and keep
10 the city informed of road repairs as needed, and Karley
11 tries to stay on top of that. But, actually, my
12 experience over the years has been -- as a private
13 homeowner -- that it's very helpful for you to call city
14 hall and tell them your concern, if you have one. And
15 that seems to get lots of attention that way.

16 Continue to be diligent in making sure the
17 new home building sites are not interfering with your
18 quality of life. Certainly, Karley goes around the
19 neighborhood and keeps on top of things. And let Karley
20 know if you have any concerns or anything that she
21 should know about.

22 Communicating with the membership through
23 e-mails and newsletters, I think Karley and our group
24 puts out an excellent quarterly newsletter, so it's
25 usually well done and informative.

1 So, anyway, those are my thoughts. I
2 personally want to thank Julie Hankinson for her
3 involvement on the board. She's been a real asset to
4 this board for many years. So thank you, Julie. Thank
5 you.

6 MR. KANE: Okay. We're now to Item 9 here,
7 open discussion. So let's open it up for questions. I
8 guess we had some board questions to the membership
9 first here.

10 What we'd like to know is if there are any
11 members that have suggestions for community -- for
12 community improvements? And that's not specific to the
13 Canoe Club here but to the HOA. We'll get to the Canoe
14 Club here next. But I'd just like to know if there are
15 any comments, suggestions for improvement here with the
16 HOA, anyone here? And if you're on the phone, all you
17 need to do is send your question or your comment to
18 Karley at our e-mail and she'll pick that up. And we'll
19 work to answer that here as best we can. So any ideas,
20 any thoughts on community improvements from those that
21 are here in the audience tonight? I guess not.

22 So let's go ahead and move on then to
23 questions and comments from members. So, Scott, you had
24 a question earlier. And could you step up to the
25 microphone please so the people that are on the phone

1 can hear you? Thank you.

2 MR. McGEE: Scott McGee. I just wanted to
3 know who are the people that complained about the access
4 to Kallner Lane? Was it the people that own those large
5 lots or --

6 MR. KANE: You mean the individuals that are
7 --

8 MR. McGEE: Yeah.

9 MR. KANE: -- property owners on Kallner
10 Lane?

11 MR. McGEE: Yeah.

12 MR. KANE: I don't know them individually,
13 Scott, but they are homeowners on Kallner Lane, and they
14 feel -- you can see where their sign is on Kallner Lane
15 there as you're getting into the development. It says
16 "Private Property." So they are adamant that this is
17 their property and adamant and have actually yelled at a
18 few members here for trespassing on their property.

19 MR. McGEE: I'm just wondering who they are.

20 MR. KANE: I don't know their names.

21 MR. McGEE: Well, which houses are they in?

22 MR. KANE: You know, Scott, I don't know.

23 MR. McGEE: Oh, because my property actually
24 extends halfway to the middle of Kallner Lane. So I own
25 part of that lane, and I don't mind people walking on

1 the road by my house.

2 MR. KANE: Sure.

3 MR. MCGEE: That's all.

4 MR. KANE: Sure.

5 MR. MCGEE: I'd just like to know who they
6 were.

7 MR. KANE: And, Karley, have we really --
8 have we spoken to any of these homeowners over there
9 yet?

10 MS. CONNOLLY: One.

11 MR. KANE: We've spoken to one. So that's
12 all we have right now, Scott.

13 MR. MCGEE: There's only one, my next door
14 neighbors.

15 MS. CONNOLLY: They're all the way down at
16 the end.

17 MR. KANE: Thank you, Scott. Do we have any
18 other questions from people here in the audience, any
19 other members that are out here, any questions?
20 Anything on your phone, Karley, that --

21 MR. MURREY: I've got one, Karley, you gave
22 me. Do you want me to answer that one?

23 MS. CONNOLLY: Sure.

24 MR. KANE: There were a couple that we
25 received via e-mail. Is that --

1 MR. MURREY: The question is, Why is the
2 checking account higher at year-end '19, \$34,370 and not
3 held in a money market account? You know, I haven't
4 checked into it to see exactly what's going on. But, of
5 course, at the end of every quarter we receive the dues
6 that you've got. They go into the checking account.
7 And we have bills, and Karley moves that money back and
8 forth as it needs to be. I would say in addition that
9 we don't get much of any interest on any of these
10 accounts. So there's not an urgency in moving that
11 money around. Steve?

12 MR. KANE: Thank you, John. So I've got a
13 question here for the Lakes HOA. And this is from Lynn
14 Hartsthorn. And she says, "I've tried working with the
15 City of Whitefish to get Lot 3 mowed and weed sprayed.
16 The city cannot enforce for mowing tall grass, but they
17 have sent an abatement to the individual that owns the
18 lot for spraying weeds." And she wants to know if we
19 can mention this at the HOA meeting and see if members
20 that are concerned about this can contact the city
21 councilman or the City of Whitefish to ask them to push
22 a little harder to get the weed abatement taken care of
23 on this Lot 3.

24 And for those that don't know where Lot 3
25 is, it's as you come into the development and if you're

1 going to make a left-hand turn onto River Lakes Drive,
2 the lot is on the boulevard just before you enter River
3 Lakes Drive. And as you turn left on River Lakes Drive
4 heading in there, it's on the left as well. So that's
5 Lot 3.

6 So if you have any concerns about it and
7 want to let the city know, Karley has some forms inside
8 the Canoe Club that you can fill out. And those forms
9 then will go to the city for consideration.

10 And it looks like we have one other one here
11 from Dennis Gibson. It's Kallner Lane access rights.
12 He says "We have been advised that the plat shows a
13 15-foot easement from the center of the road extending
14 from the river to Highway 40. This was also a condition
15 of approval for the subdivision from the City of
16 Whitefish. Please explain the implications for
17 pedestrian usage and access along this road or pathway
18 as there have been reported incidents with owners and
19 private property owners."

20 Okay. Again, the comment is we have the
21 right -- based on the legal investigation that we did we
22 as homeowners here in this HOA have the right to walk on
23 Kallner Lane. So if individuals that are homeowners
24 there that are adamant that that's private property --
25 all of it is private property -- and we're trespassing,

1 just let them know that the HOA has done a legal
2 investigation and has found that we do have easement
3 rights. And if they have any questions or concerns, to
4 please contact Karley Connolly at the HOA office. Does
5 that answer your question, Dennis?

6 MR. GIBSON: Okay. Thank you.

7 MR. KANE: Any other questions, Karley? No
8 other questions. Anything else before I close the
9 meeting? Did you have a question, Angelo?

10 MR. QUEIROLO: Angelo Queirolo, 3005 River
11 Lakes. Regarding the cement work on the property, we
12 sent this thing in last year. I know a bunch of others
13 have. And I know COVID-19 might be a factor. But has
14 anybody got any work done on the streets?

15 MS. CONNOLLY: On the sidewalks?

16 MR. QUEIROLO: On the sidewalks.

17 MS. CONNOLLY: No.

18 MR. QUEIROLO: Okay.

19 MS. CONNOLLY: I did hear from the city, and
20 she said that they were going to be doing it this
21 summer. Whatever that means, I don't know.

22 MR. QUEIROLO: Okay.

23 MS. CONNOLLY: Jennie at the city.

24 MR. QUEIROLO: And we do have properties
25 that are undeveloped. Like across the street from my

1 corner, that area is in really bad shape. And how do we
2 get something done on that, because somebody is going to
3 fall.

4 MS. CONNOLLY: That form, the same form
5 about telling the city about the weeds, you can use that
6 same form to tell the city about sidewalks at properties
7 that need to be addressed.

8 MR. QUEIROLO: Thank you.

9 MR. KANE: Angelo, I have talked to the city
10 about that -- Jennie -- about that before. And she --
11 what she told me was if people are resistant, to just
12 make sure we let them know, and let members know here
13 that -- this is Lot 30 I think you're talking about, if
14 I remember correctly. It's just north of your place.

15 MR. QUEIROLO: Yes, right across the street.

16 MR. KANE: Yeah, it's really busted up, in
17 real bad shape. So -- but what I would suggest is just
18 fill the form out. Send it to the city. And if there's
19 anyone else that has similar issues, please do so. And
20 the more -- the squeaky wheel gets the grease with the
21 City of Whitefish. So if you want to contact them, I
22 think that's going to help.

23 MR. QUEIROLO: Okay. One more question.

24 MR. KANE: Sure, go ahead.

25 MR. QUEIROLO: Our roads, the front of our

1 property on Parkway are starting to get a lot more holes
2 in them, and a lot bumpier. My four-runner is bumpy
3 enough, and the roads are getting really rough on there.
4 And I'm not seeing anything from the city at this point.
5 And I think we need to remind the city that that's their
6 job --

7 MR. KANE: Yeah, okay.

8 MR. QUEIROLO: -- and we're not at this
9 point.

10 MS. CONNOLLY: I've actually sent them
11 photos of -- it's mainly in intersections that it's a
12 problem. And I've already submitted to Jennie all
13 photos of all of the intersections that are problems.
14 She hasn't said that they were going to necessarily do
15 anything. But I have made them aware of the situation.

16 MR. QUEIROLO: Okay. I appreciate it.
17 Thank you.

18 MR. KANE: Thank you, Angelo.

19 MS. HARRELL: Hi, I have a question.

20 MR. KANE: Sure, go ahead.

21 MS. HARRELL: My name is Jennifer Harrell,
22 and I live at 4033 Red Eagle. I'm just wondering what's
23 the current situation with Lot 3 and the building that
24 they were going to do? I'm not sure, did you cover that
25 at all?

1 MR. KANE: You know, I didn't cover it
2 because it really isn't part of our HOA. It's outside
3 of our jurisdiction, our realm. So we don't typically
4 cover it, other than this just one issue that we had
5 with regard to the mowing and the weeds. But I can give
6 you an update as far as I know.

7 There was a lawsuit. Two homeowners here in
8 the development sued the developer. And there was a
9 number of items in that lawsuit. One of them, the
10 primary one, was to keep commercial building from being
11 built on that Lot 3 as desired by the developer.

12 So the developer and the City of Whitefish
13 -- because the City of Whitefish was enjoined in this
14 lawsuit as well -- they have won all of the issues on
15 the lawsuit with the exception of the commercial.
16 Commercial was denied by the judge.

17 That was appealed to an appellate court.
18 They lost again. And the buyers did, the developer.
19 He lost. And as I understand it, he's considering
20 taking this to the Supreme Court of the State of
21 Montana, yes. So that's the last I heard. Is there any
22 update on that, Angelo?

23 MR. QUEIROLO: (Inaudible).

24 MS. CONNOLLY: He said he took it to the
25 Supreme Court.

1 MR. QUEIROLO: It's going to the Montana
2 Supreme Court. It's a zoning issue. And basically
3 what's happening is the property over there is a W4-R
4 zone, and it has certain elements where they will allow
5 it to be commercial. So the commercial component is
6 still there but is very limited. And what he wanted to
7 do was to go into the idea of restaurants, other things,
8 food places, all that stuff. W4-R zoning does not allow
9 that to happen. And the judge said, yeah, you can build
10 commercial. But you can't build these items. So the
11 judge actually took out the additional uses that the
12 city allowed him to have. And that's what the threat of
13 the lawsuit is all about.

14 Now, that's gone to the Montana State
15 Supreme Court. Uniform zoning is not -- in other states
16 it is the law. In Montana it is not quite the law. So
17 we're basically going into the Supreme Court with the
18 possibility of changing current law or changing current
19 policy. And that's where this thing is at. And we're
20 expecting something in six months. So that's where it
21 is.

22 MR. KANE: Okay.

23 MR. QUERIOLO: We don't expect anything to
24 be built or even started for at least the next six
25 months. That's what we're expecting. That doesn't mean

1 it will happen or not.

2 MR. KANE: Thank you, Angelo. I appreciate
3 the clarification and the update. Anything else?

4 MS. HARRELL: Yeah, I have one more
5 question. Again, Jennifer Harrell, 4033 Red Eagle. I'm
6 not sure if the board or any other people here have
7 spent some time out on the water. But we have a fair
8 amount of plastic and trash in our ponds. And I'm just
9 wondering, you know, what can we do and in the future to
10 do a cleanup? Or I know Tom does try to do that, but
11 there's still quite a bit of plastic. I could spend
12 quite a bit of time getting it. And I think largely --

13 MR. KANE: This is in the water, Jennifer?

14 MS. HARRELL: In the ponds. And it's like
15 kind of along the peripheries, you know. There's some
16 bigger items at the bottom of the pond that have sunk,
17 from construction, like big pieces of ply-board, all
18 sorts of things. But I mean I know you're considering
19 an environmental assessment of the lakes --

20 MR. KANE: Yes, we are.

21 MS. HARRELL: -- themselves. And I think,
22 you know, of course going forward we have to really
23 monitor the construction people. I live on Red Eagle so
24 I see a lot of construction there. And, you know, when
25 the wind picks up it's really, really a problem. But we

1 still have a lot of plastic in the pond. So I just
2 don't know if you guys, as board members, spend time on
3 the water. But my husband and I spend a lot of time,
4 like a lot of time on the ponds. And I have noticed it.
5 I mean, it's a big job picking it up. I mean, we could
6 have a trash picking bee, or I don't know how we could
7 do that. But I think I brought this up last year. But
8 we still -- it's something we maybe should address.

9 MR. KANE: Okay. Well, thank you for that.
10 I don't get on the water myself. I don't see it. But
11 that's certainly something that the board and the staff
12 can take a look at. So I appreciate you bringing that
13 to our attention.

14 Any other questions or comments? Okay.
15 Going once, twice, three times. With that, I'll go
16 ahead and close the HOA meeting. And let's take a
17 couple-minute break since we're -- we've got about ten
18 minutes for the Canoe Club meeting to begin. Let's
19 take a couple minutes here just to break, and then we'll
20 just go immediately into the Canoe Club and get through
21 that. There are a number of things we need to discuss
22 there and let everybody know about. So let's take a few
23 minutes and come back here at 6:30. Thank you.

24 (Thereupon, the HOA meeting adjourned at 6:19 p.m.)
25

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