



LOLO CREEK TRAILS HOMEOWNER'S ASSOCIATION  
MINUTES  
May 26, 2009  
6:00 pm 11589 Stella Blue  
Lolo, Montana

(THE CHAIRMAN OR VICE-CHAIRMAN RESERVES THE RIGHT TO CHANGE THE ORDER OF THE AGENDA AND IF THE AGENDA IS NOT COMPLETED TO RECESS THE MEETING AND CONTINUE ON ANOTHER SPECIFIED DATE AND TIME)

Board Members present: Scott Caldwell, Tye Roy, Patrick Naseem, Jennifer Despain, Andrew Schwartz, Noah Closson, Teri Johnson, Dan Johnson, and Brandon Wright  
Pam Johns, Dennis Doran

1. The meeting called to order at 6:00 pm by Scott Caldwell, President. Scott announced that since we had two visitors we would go to Public Comment first.

**Public Comment:**

A. Pam Johns, owner Lot 3, met with the board to discuss her concerns about the lack of mowing and weed treatment around her lot in previous years. The board explained that the first of two weed treatments to the common areas had been done and we are preparing for the first of two mowings of the common areas. The contractor hired this year is willing and able to mow all of the common areas. Tye will be going along with the mowers as they mow up to the property lines. In the past the contractors would only mow certain areas because of their limited equipment capabilities. Pam stated that she would be broadcast seeding the common area behind her lot – the board asked her to respect the seeding that is in the weed agreement that will be done this year. She also reported that the contractors who are working on the house on Lot #5 is driving behind her lot on the common area and creating a worn area. Tye will talk with the contractor. Pam also requested that the heavy equipment parked on Lots 1&2 be removed – Dennis Doran volunteered to talk with the equipment owners and ask them to move the equipment. There was discussion of the maintenance of the easement between lot 3 & 4. It was Pam's understanding that the lot owners are responsible for the maintenance and has talked with the owners of lot 4 and they will take care of maintaining their portion.

B. Dennis Doran was present to explain the water right situation with the property owner along the eastern boundary of the development. He provided a summary of events that began in November 1986 to the present. The concern of the LCT HOA is the status of the water right of the ditch that crosses the development in light of the recent malicious intentional flooding along the western boundary of the development created by the neighboring property owner. Dennis will keep us apprised of any future developments. He also suggested that the board notify all homeowners of the high radon counts that are present in the development and suggest mitigation be installed on all homes for the safety and health of the homeowners.

2. **Approval of minutes from April 28, 2009** – Tye made the motion, Scott seconded, to approve the minutes of the 4/28/09 meeting with the following additions:

Old Business

#4 – Teri will send out letters by certified return receipt postage notifying existing undeveloped lot owners in Phase 2 of the development that there is a restriction to building basements on these lots due to the high water table and that this needs to be disclosed in their sales agreements.

New Business

#3 – Patrick will purchase \$100 of 'forever stamps' for LCT HOA correspondence and present an invoice to the board for reimbursement.

3. Financial Report – Patrick reported that the bank account has been transferred as directed by the board. The account balance on the 5/17 bank statement was \$11,361.72. Dues deposits following the statement date raised the balance to \$14,229.72 by 5/26. A check in the amount of \$2897 was written for the new insurance policy leaving a balance of \$11,332. Additional dues will be deposited raising the total balance to approximately \$11,692.72.

ANNOUNCEMENTS: there were none

**OLD BUSINESS:**

Officers/Board Reports:

**Jennifer/Newsletter** – the second quarter newsletter will be drafted to go out by June. Topics suggested are: Pres/VP column, Budget, Water Problem information, web site, meeting dates, Welcome to new homeowners, update on signage, summary of ACC changes, reminders of CC&R's especially: no fireworks, issue of excess parking on street and blocking sidewalks, responsible use of outdoor 'warming fires'. **Jennifer asked all board members to provide her with the information to go into the newsletter as soon as possible.** Once the newsletter is finalized it will be posted to the website, e-mailed and/or mailed out to the members.

**Teri/Dues** – we have had a good response to the first dues notice that went out 4/13. We have received over 50% of the dues and a reminder letter will be going out to those lots that are still outstanding. If dues are not received by 6/15 the CC&R's direct us to begin fining at \$25 for late dues and \$1/day until paid. After a series of 30 day notices we are directed to place a lien on the property for failure to pay the dues. We do not want to get into this situation. Thank you to the board members who have taken the extra time to talk with their neighbors in regards to the dues it has made a positive difference. There was discussion of two lot owners who have outstanding dues from previous years. We will be visiting with them to resolve the outstanding fees.

**Brandon/Tax preparation** – Brandon talked with the account who just need s the dates of the LCT HOA incorporation and then they will be ready. No exact cost for preparation has been received yet.

**Patrick/Insurance Policy** – we have paid the full premium for 2009 \$2897. This includes the Directors and Officers coverage and \$25,000 coverage for employee theft since we collect dues.

**Tye/Weed Control and Mowing** – the first weed application was completed in early May. There have been good results noted. Noah requested that the small triangle area in Common Area E be treated again. The mowing is tentatively set for the second week of June. They will watch the re-growth and expect to do the second mowing sometime in August.

**ACC/Development of further architectural guidelines** – Noah reported that the ACC met to clarify the wording of some of the current standards regarding approval of home designs, paint colors, basements in the lower Phase 2. These updates will be posted to the web site. The ACC also reported that they recently formally denied the building plans for a home with a basement on lot 43. This lot has been identified to have a high water table. The paint color has been denied for Lot 86 – they indicated that they were not aware of the CC&R's. Tye will visit with them.

The ACC also asked for clarification as to whether or not it was their responsibility to enforce the CC&R's – it is an ongoing discussion as to how best approach violations of the CC&R's and this will be a topic for a future meeting when we can devote more time to the discussion (unmaintained empty lots, unmaintained developed lots, cars blocking sidewalks, trailers parked in front of the house etc.)

**Budget Committee Report** – Dan, Patrick, Jennifer and Brandon met to discuss, develop, and propose a budget for 2009. The proposed budget was discussed. Tye made the motion to accept the budget as presented, seconded by Jennifer, all in favor/motion passed. The budget will be posted on the web site.

**Entryway Signage Committee Report** – the committee is still in progress. They contacted the developer who has indicated that he would be able to do either the trees or sign this year and finish the signage next year.

**Community Clean Up Day & Bar-B-Que** – Tye has a flyer ready to go out for the event Sat. 5/30 – due to the lateness he asked if we would rather reschedule the bar-b-que for another date when more homeowner's may be available to attend. It was decided to leave the clean up day as scheduled 5/30 9-11AM because we need to prepare the common areas for the mowing and reschedule the bar-b-que. Tye will make the corrections to the flyer and distribute them door to door.

**Approval of expense reimbursements** – Dan moved, Brandon seconded to pay A&A Spray Services LLC the first installment for weed and mowing treatment \$2000. All in favor, motion carried.

**NEW BUSINESS:**

It has been reported to the board that Lot 46 has installed fence and landscaping without an application for ACC approval that appear to extend beyond the lot boundary and encloses a portion of the common area. Tye will talk with the lot owners.

Update on the irrigation ditch issue – the County Sherriff contacted Tye and they visited the affected area taking photos. The Sherriff will file a report of the incident and present it to the County Attorney so it will be documented.

The board discussed the reported issue of the fire pit left unattended and glowing throughout the night. Since there is no clear guidance in the CC&R's regarding outside fires it was decided to insert a reminder of this in the newsletter and request lot owners to act responsibly and be considerate of their neighbors.

Complaints-actions and resolutions process – Scott would like to come up with a reasonable resolution process for addressing complaints. Since many of the CC&R's are vague and unclear it is difficult to make a determination. Perhaps we can address individual issues within the CC&R's at a future meeting and agree as to how to address complaints relating to them.

**ITEMS FOR NEXT MEETING:**

Agenda items suggested to be discussed/acted upon at next scheduled meeting:

- chain link dog kennels
- dogs allowed to be free in the development without leashes
- ACC guidelines update
- signage committee report
- Dues update
- discuss levels of importance of complaints from homeowners
- Lot 46 fence update

**NEXT MEETING DATE, TIME AND LOCATION:**

June 23 6:00 pm 11313 Stella Blue Drive

ADJOURN at 8:30 pm Tye made the motion to adjourn the meeting, Noah seconded, all in favor/motion carried.

Respectfully submitted,  
Teri Johnson  
Secretary LCT HOA