



## LOLO CREEK TRAILS HOMEOWNER'S ASSOCIATION

### Minutes

July 28, 2009

6:00 pm 11122 Stella Blue Drive  
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: Brandon Wright, Teri Johnson, Dan Johnson, Patrick Naseem, Tye Roy, Scott Caldwell, Jennifer Despain, Andrew Schwartz, and Cameron Criddle  
Russell Agin  
Wally Stuart

1. Meeting Called to order at 6:00 pm by Scott who welcomed visiting home owners and moved ahead to PUBLIC COMMENT:

Russell Agin requested to address the Board in regards to possible solutions to the grasshopper infestation that is having a devastating effect on his lawn (Lot 40) which is bordered on two sides by common area. Mowing of the common area was discussed as possibly contributing to the infestation. He asked if it was acceptable to mow the common areas around his lot. Russ has researched a treatment using chickens to control the grasshoppers. This is not a viable treatment due to the CC&R's *Article VII Protective Covenants Item 19. Animals and Pets No animals or fowl, domestic or wild, except for two (2) dogs and two (2) cats shall be permitted on any lot.* There was additional discussion on alternative methods of treatments which will be addressed under New Business. Wally Stuart was interested in taking an active part with the homeowner's and offered his assistance in any way that he could.

2. Approval of minutes June 23, 2009 – Patrick made the motion to accept the minutes with the following corrections: Old Business Action Item #6 – Tye made the motion to request ..... go through the correct procedure of 'obtaining' a lot line adjustment with the county and presenting that to the HOA for 80% approval. Seconded by Jennifer, all in favor, approved.

3. Financial Report – Patrick reported the account balance as of 7/15/09 was \$11,159.66. There was a deposit of \$150 for dues and \$4.61 interest earned bringing the balance to date \$11,309.66.

ANNOUNCEMENTS: there were no announcements

### NEW BUSINESS:

Action Item: Grasshopper Control planning for 2010 – following discussion of grasshopper control methods Jennifer made the motion to authorize Scott to purchase enough 'No Lo' grasshopper treatment to do two treatments to the common areas ASAP and also to include this in the 2010 budget, seconded by Patrick, all in favor, approved. The board and officers volunteered to help with the application of No Lo on the common areas once Scott is able to find enough available.

Action Item: Fireworks complaints - Scott tabled this item to be addressed in executive session

Action Item: September LCT HOA Bar-b-que – a potential date of the second weekend in September was planned for the association bar-b-que. A RSVP notice will go out via e-mail a little later in August for homeowners to RSVP and ask for volunteers to help out. Jennifer will get in touch with a few folks who have offered to help out.

Action Item: Patrick- discuss proposed changes to CC&R's – Patrick provided wording to a proposed amendment to the CC&R's Article VII, Protective Covenants, Paragraph 2, Outbuildings, in regards to set backs and the building of storage sheds. There was discussion of the requirement to have 80% approval by vote from the general membership to amend the CC&R's. This is a possible item to bring to the total membership for a vote at the general meeting.

### OLD BUSINESS:

Action Item: Lot maintenance – Teri reported that the wording used in the letter sent out from the Property Management Company in prior years requiring lot maintenance and citing a legal reference was not recognized by the County Weed District, City Weed department or the Property Management Company. The majority of the empty lots have been cleaned up. A call was made to the owner of Lot 59 – he said the lot will be maintained. Scott will talk with the owners of Lot 34. It was determined that lot maintenance reminder letters did not need to be sent out at this time.

Action Item: Covenant Enforcement Procedure committee – Three homeowners have volunteered to serve on the committee to write the Covenant Enforcement Procedure. The one we have currently involves the Property Management Company and needs to be updated. Dan and Scott will coordinate with the volunteers and set up an initial meeting to get things going soon. Scott is available Tuesday and Wednesday evenings.

Action Item: Lot 46 update – Tye Roy - Scott tabled this item to be addressed in executive session.

Action Item: ACC update report – Andrew and Cameron will have the revised ACC procedure ready for the board to review at the next meeting. There have been no new applications for ACC approval.

Action Item: HOA Attorney – Dan Johnson reported that he had visited with Peter Dayton, attorney with WORDEN THANE P.C. ATTORNEYS AT LAW. He comes highly recommended as an expert with homeowner's association law. He would be willing to review the LCT By-Laws and CC&R's for legal sufficiency, enforcement mechanisms, and the recurring concerns. He has asked for a pre screening of potential conflicts of interest. His fee is \$190 per hour. Following discussion it was determined that a committee or special meeting of the board be scheduled to meet with Peter Dayton. [The motion was made by Jennifer to authorize \\$500 towards the initial review of the LCT HOA documents, seconded by Patrick, all in favor, approved.](#)

Action Item: reimbursement for certified return receipt letters. [Brandon made the motion to reimburse Teri \\$22.16 for the certified return receipt mailing of second notice of delinquent dues, seconded by Scott, all in favor, approved.](#)

Action Item: Delinquent Dues update – 17 lots have unpaid dues. The second notice of delinquency has been sent out, two lot owners were called the week of July 15 and said they would be sending their dues. These have not been received as yet. The third notice of delinquency will go out 8/15/09 after which a lien will be filed with the county.

Action Item: Signage committee report – Noah and Scott met and chose parts of several designs submitted that would create an attractive signage for the development. They considered engraved stone, minimal landscape and ornamental grasses, to keep it low maintenance. Scott has attempted to follow up with Dennis Doran but has not been successful with reaching him. He will keep trying so that we can get this started soon.

Action Item: Mowing update- Tye Roy reported that he can not contact the contractor. He proposed not to have the contractor return for the second mowing but have them come back for the second weed treatment. Tye says he will do the boulevards and/or rent a machine to do the lower common area. Following discussion of the mowing schedule, planned seeding of common area to native grasses, and cost of machine rental [Brandon made the motion to have Tye rent the machinery to do the mowing \(if found at a reasonable rate\) and have the initial contractor come back to do the fall weed treatment, seconded by Scott, all in favor, approved.](#)

At 7:45 the Board adjourned to executive session.

8:15 return to open session. Action taken during executive session:

[Tye made the motion to rescind the 6/23/09 approved motion regarding Lot 46, seconded by Jennifer, three in favor two opposed, approved.](#)

[Brandon made the motion to send a fine letter to the owners of Lot 46 in accordance with the fine schedule for failure to submit approval to the ACC prior to construction, seconded by Tye, all in favor, approved.](#)

[Jennifer made the motion to send fine letters to the two lot owners responsible for discharging of fireworks on the 4<sup>th</sup> of July in accordance with the fine schedule, seconded by Brandon, four in favor, one no vote, approved.](#)

### ITEMS FOR NEXT MEETING:

Bar-b-Que planning

NEXT MEETING DATE, TIME AND LOCATION: August 25, 2009 6:00 pm 7848 Sugaree Trail

ADJOURN –at 8:15 pm Teri made the motion to adjourn, seconded by Dan, all in favor, approved.

Respectfully submitted, Teri Johnson Secretary, LCT HOA