



LOLO CREEK TRAILS HOMEOWNER'S ASSOCIATION

Minutes

October 29, 2009

6:00 pm 11146 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: Jennifer DeSpain, Patrick Naseem, Scott Caldwell, Dan Johnson, Teri Johnson, Cameron Criddle, Tye Roy, Noah Closson, and Brandon Wright
Larry and Charman Schauff, Bill Doty, Nolan Meeks

1. Meeting Call to Order at 6:00 pm by Scott who welcomed visiting home owners.
2. Approval of minutes September 22, 2009 – Jennifer moved to accept the minutes as submitted, seconded by Dan, all in favor, motion carried.
3. Financial Report – Patrick reported that we had no checks written or deposits made since the last meeting other than the \$4.13 interest bringing the account balance to \$10,177.15.

ANNOUNCEMENTS:

Teri reported that NRCS had not been able to schedule another date to come and meet with interested parties about a conservation plan for LCT. The Missoula Conservation District did direct us to their web site where there is information available about their programs and assistance. There still needs to be a conservation plan, but this is dependent on what the homeowner's agree to as the intended use of the common areas. This can be a topic for discussion at the annual meeting. Perhaps there are homeowner's who would like to serve on a committee to work with the conservation district in developing a conservation plan.

PUBLIC COMMENT:

Nolan Meeks pointed out that we have several locations where weeds are growing on the roads in the development where the concrete curbing meets with the asphalt. The concern is that if not addressed it will lead to damage to the roadways and curbing. He recommended that we determine whose responsibility it is to maintain this area and educate the homeowners – this can be brought up at the annual meeting.

OLD BUSINESS:

Spraying update – Tye reported that the fall weed treatment had been completed and submitted the final bill for \$1000. The receipts will be sent to the Missoula County Weed District for reimbursement of \$350 from the 2009 grant.

Signage committee report: Scott received a preliminary estimate of \$14,519 from Frank Scariano for the signage design that we drafted. Noah and Tye will provide bids at the next meeting.

Action Item: Lot 46 Fence. Jennifer has been working with Bill Doty on the question of the Lot 46 fence placement. Tom Tabler, past president of LCT HOA, volunteered to locate the property pins and the fence appears to extend into the common area by 6' and 12' on the two back corners of Lot 46. Jereme Doty has expressed interest in purchasing the common area that is now enclosed by the fence and was going to have the lot surveyed. Tom did not recommend that the LCT HOA get into the practice of selling off portions of the common area. The county requires a certain percentage of common area to developed area in order to approve subdivisions. Discussion followed on the procedure for requesting a lot line adjustment. Jennifer made the motion to remove all fines for the Lot 46 fence, seconded by Patrick, all in favor, motion carried. Teri made the motion to allow Bill Doty to discuss the options of the lot line adjustment versus relocating the fence to the lot boundary line with Jereme Doty and report back to the board by the next meeting or contact Scott with the decision, seconded by Dan, all in favor, motion carried.

Report of Grasshopper bait treatment – both treatments were completed covering all of the common areas.

Action Item: ACC guidelines committee report – the committee will have a report ready for the next meeting.

Action Item: Annual Meeting planning – Jim Coulter was not able to attend this meeting but forwarded this information: Jim surveyed several LCT homeowners on the date of Tuesday December 1 and found the majority to be agreeable to the date. The Lolo Community Center is available for rent at \$50/hour 2 hour minimum or an annual fee of \$125/yr for unlimited use. The center has available chairs, tables, coffee pots, side room for kids to be entertained during the meeting.

Tye made the motion to subscribe to the Lolo Community Center as a member (\$125/yr) pending clarification on the time period of calendar year or fiscal year, seconded by Brandon, all in favor, motion carried.

Brandon made the motion to hold the annual meeting on December 1 at 7:00 pm, seconded by Patrick, all in favor, motion carried.

Action Item: Status of fine – Teri reported that 16 liens were recorded for failure to pay 2009 dues. The county recorder indicated that many HOA's were filing liens for non-payment of dues.

Action Item: Committee report – review of Bylaws and CC&R's – Tye met with committee members Brandon, Steve Bayha, Kristi Cornette and Amy Hanneman to review the LCT Bylaws. It was noted, when reviewed by the attorney, that Article III 3.1 Number and Term of Directors specified a board of 3 members. Article V – Officers states that from these 3 board members 4 officers will be elected at the first meeting of the board. This creates the situation of one board member having to assume the duties of more than one office. Based on information available, the elected boards in 2007, 2008 and 2009 have not followed this structure and elected 3 board members in addition to 4 officers resulting in a 7 member Board of Directors. It was determined by the current board that a 3 member board could not possibly carry out the duties of 4 officers successfully. The committee recommended a structure of allowing 3, 5 or 7 directors of staggered terms. The attorney also pointed out that Article III – Amendment of Bylaws does not currently comply with the Montana Revised Statutes and provided the exact wording that is required. Discussion followed. Amendments to the Bylaws can be made by a written vote of approval by a majority of the majority of lot owners in good standing. The outcome of this vote will determine the number of available board positions to be elected at the annual meeting.

Tye made the motion to incorporate the discussed changes in Article III 3.1, and provide a copy to Teri to send out electronically to LCT HOA for an electronic vote seconded by Patrick, all in favor, motion carried.

Tye made the motion to accept the wording of the Montana Revised Statutes 35-2-230 Amendment by directors and members, contingent on Dan's verification of the statutes, into the LCT Bylaws Article VIII – Amendment of Bylaws and provide a copy to Teri to send out electronically to LCT HOA for an electronic vote, seconded by Patrick, all in favor, motion carried.

Tye requested that all suggestions for review of the CC&R's be forwarded to him for consideration of the committee.

NEW BUSINESS:

Action Item: ACC Report – the ACC has received one request for approval of a fence. The fence has already been started and approval had not been given yet. We need to discuss the ACC approval process at the annual meeting.

Action Item: Reimbursements - Brandon made the motion to approve the following reimbursements:

Fall Festival expenses Kristi Cornett - \$62.89

Fall Spraying A&A Services - \$1000.00

Common Area re-seeding J. DeSpain - \$24.89

Filing of Lines and certified mailing T. Johnson - \$129.66

Seconded by Tye, all in favor, motion carried.

ITEMS FOR NEXT MEETING:

CC&R committee report, Annual meeting planning, December newsletter

NEXT MEETING DATE, TIME AND LOCATION:

November 24, 2009 – location to be announced.

ADJOURN – Brandon moved to adjourn the meeting at 7:50, seconded by Dan, all in favor, motion carried.

Respectfully submitted, Teri Johnson Secretary LCT HOA