



EAGLE BEND YACHT HARBOR
& BOAT SLIP OWNERS ASSOCIATION
EAGLE BEND YACHT HARBOR BOARD MEETING

Monday, August 2nd, 2010 at 3:00 PM
JES Management Conference Room – 857 Grand Avenue

- I. **Call Meeting to Order and Establish a Quorum** – A quorum was established and the meeting was called to order at 2:57 PM. Board Members present were President, Bernie Slogotski, Vice-President, Ken Taylor and Board Members, Bob Smith, Bob Livesay, Lane Ross and Tom Steffes. Board Member, Roy Hollandsworth was unable to attend but called in for a portion of the meeting. Jessica Glazier, Sharla Browning and Cole Browning from JES Management were also in attendance.

- II. **Introduction of Guests** – Slip Owner, Geoff Bayliss attended the meeting.
 - a. **Facility Improvements** – Geoff Bayliss commented that the marina grounds are looking better all the time and Cole Browning and Matt DeFries are doing a good job. Geoff proposed several facility improvements to the Board such as flower pots at the end of each dock, hanging flower baskets at the clubhouse, additional solar landscape lighting, park benches and colorful flags. Geoff encouraged the Board to press forward with low cost improvements such as these. Bernie Slogotski suggested that Geoff include his ideas into an e-mail format for the Board to review. Geoff volunteered to continue to work with Cole and Matt on maintenance items or to chair a Committee responsible for facility improvements. The Board will add this item to the next regular Board Meeting agenda.

 - b. **Voting Process** – Geoff encouraged the Board to consider formalizing the voting procedure in the future, as discussed at the June 19th, 2010 Annual Meeting. Geoff also commented that Board Member nominees should have been allowed the opportunity to speak at the annual meeting. Bernie Slogotski stated that there was a motion at the Annual Meeting for a secret ballot process and this change is already in motion. Bob Smith expressed concern that JES Management encouraged slip owners to cast their ballots. Jessica Glazier indicated that JES Management had contact with several slip owners in the weeks leading up to the meeting for both incoming and outgoing HOA business calls and that JES Management did encourage anyone they spoke to to both participate as a member and help ensure a quorum by returning both their proxy and ballot. Additionally, Jessica indicated that two weeks prior to the meeting JES Management sent a broadcast message reminding owners of the importance of sending back their proxies and ballots. Jessica indicated that this is standard practice for all of their HOA's in an effort to ensure homeowner participation and establishment of a quorum. Bernie Slogotski felt that it was acceptable to make calls to assure a quorum. There was a lengthy discussion regarding various events prior to the election. Bernie further stated that the review of the election process should address Bob's concern. The Board agreed that review of the election process be added to the next regular Board Meeting agenda.

- III. **Election of Officers** – Bernie Slogostki sent an e-mail to the Board on July 21st, 2010 indicating that he and Ken Taylor expressed interest to continue their officer positions and Bob Livesay expressed interest in serving as Vice-President. Bob Smith suggested that each officer be elected individually. Officers were elected as follows:

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- a. **President** – Upon motion and second Bernie Slogotski was elected as President with all in favor and none opposed.
 - b. **Vice-President** – Upon motion and second Bob Livesay was elected as Vice-President with all in favor and none opposed.
 - c. **Secretary/Treasurer** – Upon motion and second Ken Taylor was nominated to serve as Secretary/Treasurer. Upon motion and second Bob Smith was nominated to serve as Secretary/Treasurer. Both nominees received three votes in favor. Later in the meeting, Roy Hollandsworth called in and cast his vote and Ken Taylor was elected as Secretary/Treasurer.
- IV. **Review & Approve Agenda Items** – Bob Smith requested that the voting process be added under new business. The agenda was unanimously approved with one addition and no objections.
- V. **Approve Minutes from April 16th, 2010 Board Meeting** – Bob Smith requested an addition to Item XVII stating that it was agreed by the Board that nominees names and bios must be submitted by May 15th, 2010 and nominations from the floor would be accepted at the Annual Meeting. Sharla Browning clarified that the timeline of May 15th, 2010 in the newsletter was inserted by JES Management and intended to allow an adequate timeline to make copies and was not a result of the Board Meeting. Bob Smith stated that the Board approved a deadline of May 15th, 2010 to accept nominations and JES Management allowed four slip owners to be nominated after the deadline. Upon motion and second the minutes were approved as written with three in favor and two abstained from voting. Tom Steffes did not vote on this item since he was not in attendance at the April 16th, 2010 Board Meeting. Later in the meeting, Lane Ross changed his vote from abstained to opposed.
- VI. **Approve Minutes from June 19th, 2010 Annual Meeting** – Bob Smith requested that the name Sue Ball be replaced with weed expert under Item VIII, Section B. Upon motion and second the minutes were approved pending this correction with all in favor and none opposed.
- VII. **Treasurer's Report** – Sharla Browning presented the Treasurer's Report. The Association's current total equity is \$536,358.95. That equity is comprised of the following balances: Operating Fund - \$52,539.12; Property Tax Fund - \$22,629.51; Capital Reserve Fund - \$95,087.57; Operating Reserve Fund - \$929.83; Building Fund - \$365,172.92. The Board agreed to change the name of the Building Fund to Building Equity. The Board discussed the seventeen slip owners with delinquent accounts. There was a discussion regarding what the Board is permitted to do under section 2.4 of the DCC&R's to limit facility access to slip owners who are severely delinquent. The Board unanimously agreed to refer this item to legal counsel to obtain further clarification of Section 2.4 of the DCC&R's. The current late and lien notice procedure was reviewed. The Board discussed a slip owner bankruptcy. The Board unanimously agreed to obtain an attorney to file a claim with the bankruptcy court to claim the unpaid dues assessments.

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VIII. Managers Report

a. Maintenance Issues

- i. Dock Floats** – Cole Browning is working with Dock Masters in conjunction with Tim Fox and Atlantic Mecko to address the dock floats on A and B Dock that are taking on water. An estimated 256 floats need to be replaced. Dock Masters is currently seeking competitive pricing on the floats. A preliminary figure gathered was approximately \$44,000.00 for parts and \$50,000.00 in labor totaling \$94,000.00. Tom Steffes confirmed that based upon his experience this price is a competitive price. It was suggested that the reason the floats are taking on water is because they are eighteen years old and the cracking is regular wear and tear. Cole consulted with the manufacturer, Atlantic Mecko, who would require a \$2,000.00 inspection fee for a consultation. The Board agreed to add this item to the next regular Board Meeting agenda for an update.
- ii. Eyelets on Dam Plate** – Cole Browning commented that there are multiple broken eyelets on the lower dam plate. The dam plate is still operational but this matter may need to be addressed this fall. The Board agreed to incorporate the expenditure for this repair into the 2011 budget.

- b. 2010 Socials** – At the Annual Meeting, slip owners were asked to make suggestions for catering at the August 28th, 2010 social. No suggestions were received so JES Management will schedule the catering.

- c. DEQ Violations & Corrective Action Plan** – Cole Browning updated the Board on three DEQ violations and the corrective action being taken as follows:

- i. Leak Detection Records** – EBYH is missing four months of leak detection records (October 2009 through January 2010). The deadline for compliance of September 1st, 2010 does not allow adequate time to be in compliance with the mandatory 12 continuous months of records. In order to become compliant, a 0.1 line tightness test must be performed. This test will prove that the system has been leak free during the time that there was no record of testing. The line tightness test is scheduled for August 3, 2010 at 8:30 PM. This violation will be resolved by performing the line tightness test and continuing to perform leak detection testing every month including the off season. In order to bypass this testing in the off season, a permit can be obtained from the DEQ to enter into temporary closure. In order to enter temporary closure the fuel must be removed from the tanks to a depth of less than 1” and to exit temporary closure a permit must be obtained and the DEQ notified thirty days prior to operation of the fuel system. The Board discussed establishing a program for the off season to perform the monthly leak detection testing.
- ii. Shut Down Procedure** – EBYH does not have a shutdown procedure or a way to notify a responsible person in the event of a 3.0 gallon per hour leak during the hours when the facility is unattended. The compliance inspector consulted with the DEQ and further clarified that EBYH is not required to have an automatic shutoff device or an auto dialer for several reasons; (1)

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Operation is not 24 hours per day. (2) There is a manual emergency turbine shutdown. (3) The fueling dispensers are only in use when staff is present. (4) The turbines and dispensers are shut off manually and located in a locked facility during the hours the fuel shack is closed. This violation was dismissed.

- iii. **Corrosion Protection** – EBYH does not have adequate corrosion protection on the vent stacks for the tanks. Adequate corrosion protection must be installed on any metal product line that is in contact with the ground by March 1st, 2013. EBYH can obtain a permit from the DEQ and perform this repair internally and provide the compliance inspector with photos and documentation to demonstrate compliance. The Board agreed to resolve this violation prior to the 2013 deadline. The Board agreed to incorporate the expenditures related to resolving this violation into the 2011 budget.

COMMITTEE REPORTS

- IX. **Clubhouse Rental Policy Committee** – Several slip owners have expressed concerns about the current policy and are still seeking a revision. The Board agreed to continue review of the policy until an acceptable policy can be drafted. Ken Taylor resigned from the Committee. Tom Steffes volunteered to serve on the Committee. Bob Smith suggested that all approved events continue to be posted on the SenEarthCo website.
- X. **Weed Abatement Committee** – Aquatic Weed Abatement of Montana completed the first treatment and will perform another in 2010. Several slip owners have reported positive feedback to JES Management. There was a discussion regarding obtaining the services of a professional consultant to recommend a long term maintenance plan. The Committee will work on this plan.
- XI. **Channel Marker Upgrade Committee** – The channel marker upgrade is complete. Bob Livesay volunteered to assist with any future maintenance.
 - a. **Round Up For Safety Grant Status Update** – The reimbursement check was received from Round Up for Safety for \$9,500.00. Round Up for Safety had professional photographs taken which will be posted to the website.
- XII. **Management Advisory Committee** – Bernie commented that this Committee has been working well and able to resolve several issues using this method.
- XIII. **Budget Committee** – Ken Taylor, Bob Smith and Bob Livesay volunteered to serve on this Committee. Lane Ross suggested developing a five year maintenance plan.
- XIV. **Maintenance Committee** – Bob Livesay and Lane Ross volunteered to serve on this Committee.

OLD BUSINESS

- XV. **Bulge at Dam** – This item was deferred to the Maintenance Committee.



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- XVI. Discuss Boat Launch Plates** – The completion of this item was deferred to the Maintenance Committee.

NEW BUSINESS

- XVII. Review Website Information Availability** – As a result of a motion made at the 2009 Annual Meeting, all information on the SenEarthCo website was made available to all slip owners. Several slip owners expressed concern about some of the content posted on the website. The Board requested a report reflecting the content available on each website for review at the next regular Board Meeting.
- XVIII. Discuss Procedure to Make Modifications to Slips** – The Board discussed the different types of modifications to slips. The Board agreed that the Maintenance Committee will compile a list of standardized acceptable modifications for the Board to review.
- XIX. Discuss Mosquito Issue** – Cole Browning consulted with the Flathead County Mosquito District to address the mosquito issue discussed at the Annual Meeting. The District tested multiple areas at Eagle Bend Yacht Harbor for mosquito larva and found none. The District determined that the marina's environment is not a hospitable environment for mosquitoes to lay larva. The District also monitors multiple areas surrounding the marina for the West Nile Virus on a regular basis.
- XX. Review Slip C-2 Request** – Slip C-2 submitted a request to install a Shore Station. The Board agreed that a Shore Station would interfere with weed abatement in the slip and would not be in conformance with the rest of the slips. The Board unanimously denied this request.
- XXI. Slip E-23 Request** – Slip E-23 was unable to obtain their neighbors permission to make a modification to his slip and therefore withdrew his request.
- XXII. Review Proposals** – The Board reviewed the following proposals:
- a. Restriping** – This item was deferred to the Maintenance and Budget Committees.
 - b. Window Coverings** – Upon motion and second the Board approved the proposal from The Blind Guy with one opposed and five in favor.
 - c. Painting** – This item was deferred to the Maintenance and Budget Committees.
 - d. Gate Repair** – The Board reviewed a proposal from Montana Iron Creations to repair the electronic gates closest to the clubhouse. The Board also discussed altering the gates from the current electronic function to be manually opened and closed by the dock attendants therefore limiting any future damages. JES Management will obtain proposals to alter the function of the gates to be reviewed by the Board.
 - e. Fire Wood Rack** – Upon motion and second the Board approved the proposal from Sears Excavation with all in favor and none opposed.

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- f. Landscape Lighting** – Upon motion and second the Board unanimously approved the proposal to repair two missing lights near C Dock. The Board reviewed and disapproved of the proposal to install additional landscape lighting around the clubhouse.
- XXIII. Set Next Board Meeting Date** – The next Board Meeting was scheduled for Monday, November 8th, 2010 at 10:00 AM at JES Management.
- XXIV. Adjourn** – There being no further business the meeting was adjourned at 6:05 PM.

Submitted by:

Accepted by:

Sharla Browning
Property Manager
JES Management

Ken Taylor
Secretary/Treasurer
EBYH Board