

Westwood Village Homeowners Association

Board Meeting- March 11, 2021

Minutes

The meeting was held via Zoom video conference and was recorded. Links to the recording and instructions for accessing it may be found at the end of this document.

Attending were board members Robin Betz, Joel Bonvallet, Kathi Head, Kam Majer, Julie Menghini, Kate Sheffield, Bern Sheldon and Kris Stanton. Todd Orsi presented the manager's report. Owners attending included: Rick Brouwer, Gray Graves, Paul Lindholdt, Bruce Gehman, Brenda Heater, John Hunter, Mike Paukert, Terry Johnson, Linda Wert, Rocky Seelbach, Don Wolfe, Kim Cronen. Bob Presta from C. E. Kramer joined late in the meeting to present the marina report.

Stanton called the meeting to order just after 3:30 PM.

Manager's Report- Todd Orsi

1. Pest control will be spraying eaves and foundations outside of the buildings on April 15th in the afternoon. The material being used is *Bifenthrin 7.9 Termiticide/Insecticide*. It is approved for inside use as well as outside and is reportedly nontoxic to humans and pets. Todd will post a notice at the mailboxes as a reminder.
2. New flags are on order and will be installed soon. They seem to last about 2 years.
3. Keys- locks on the pool, tennis court, grill located on the barn deck and the bathrooms in the barn near the pool. These all use the same key. One key can be obtained gratis from Todd (the keys are numbered for identification of owner). A second key for back up and/or replacement of lost keys will be available at a cost of \$150.
4. Coyote reroof- These roofs were again inspected recently and were found to have about 15% of their useful life remaining. Replacement work will be larger and more complex than some other roof replacements at Westwood Village, entailing about 8000 square feet of full replacement work. Tom Miller, who has performed the recent reroofing work, provided a bid for \$82,000. Todd noted that he did not have a second bid. It was suggested that another bid be obtained- Kris Stanton will have his roofing contractor contact Todd.
5. Sport/tennis courts- The courts are locked until the weather dries out to prevent damage to them. Todd noted that there has been some frost heave damage to them, surprisingly so considering the weather. He also noted that there was also some similar damage in the pool area, cracked concrete and damaged pool coping.
6. Mailbox labeling- Todd is replacing address labels on the mailboxes- these labels do not include owner names. Owners can add name labels to the slots accessible from inside the box.

7. Marina- In response to a question Todd stated that the irrigation pipe has been chained and otherwise weighted down to prevent propellor damage. He also will be regulating when boats can be installed to prevent low water accidents.

A question was asked about timing of the installation of the canvas slip covers. Todd stated that it was dependent primarily on the availability of the installer, Laneco, to get here to do it.

Treasurer's Report-

As of close of business March 4, 2021 WVHA accounts totaled \$298,030.89.

Old Business-

Water rights- Jerry Binder

Jerry reported on the recent results of his years-long work on this issue with the Idaho Department of Water Resources (IDWR). The first of two Water Rights has been approved! This first right provides the right to withdraw up to 0.34 cubic feet per second (CFS) of water from the river.

A second water right for 0.56 CFS is pending- all paperwork is complete as far as is known. If there are no objections voiced to the public announcement of the granting of the second right the payment of a \$100 field exam fee and completion of that exam will finish the process. This will provide WVHA the right to withdraw up to 0.9 CFS of water. (0.9 CFS is 404 gallons per minute). This is the theoretical maximum flow our 15 horsepower (hp) irrigation pump can produce. So long as we use no more than a 15 hp pump we would not have to refile with the IDWR.

A final step in this whole process is the approval of the water rights by a legal proceeding, a Court Decree of Perfected Water Right. A perfected water right gives the owner legal rights to the water in perpetuity. Timing of this action is not clear. Many thanks are due to Jerry for his extensive efforts to get this done for WVHA.

Applications-

Hot tubs- applications to install hot tubs have been approved for Sam Howard and Joel Bonvallet.

Eagle/Eastern street lighting- an owner complaint that the lights along the driveway are too bright, perhaps too white, has been received by the board. The lights were installed 3 years ago

to improve safety in a dark area. Todd will work with the board to research alternatives to reduce glare. Included in this will be the light near the garbage shelter.

Graves grill shelter- Gray has requested permission to install a shelter on his patio to provide cover for a grill. See Appendix I Photo 1 below for an example. It was recommended that he follow Design Committee rules and he will be contacting his neighbors to discuss.

Lindholdt privacy screen- Paul has requested permission to install a replacement for the screen which was destroyed by winter storms. A motion to approve installation of a design like that shown in Appendix I Photo 2 appended below was made, seconded and approved by the board.

New Business-

Design Committee- The WVHA board as a whole has been acting as the design committee. Mike Paukert, Robin Betz and Linda Wert have volunteered to reconstitute the committee.

Bullfrog House Limited Common- After extensive research and discussions among Board members, the legal resolution of the status of the Bullfrog unit property was referred to the HOA attorney. He determined that the property is common property. If you would like further information the documents leading to this decision can be found at westwoodvillage.us/archives.

The board will work with the Bullfrog owners to reach an equitable agreement which fairly represents the interests of all WVHA owners.

Marina-

Bob Presta of C. E. Kramer Company presented a discussion of the costs incurred in maintaining the marina over past years- the breakwater has averaged about \$4000 a year. He then discussed the current condition of the marina and stated his recommendation that the condition of the logs remaining is such that additional work will be unadvisable. He stated that if the windstorm we suffered on this past Labor Day had been from the south we “would no longer have a marina.”

Bob pointed out that in 1990 a WVHA slip lease was \$250 (about \$520 in 2020 adjusted for inflation). Prices for 30 foot slips, according to Bob, are running \$1400 to \$1600 a season.

A new breakwater could be constructed of steel frames surrounding plastic floats anchored by steel pilings. Cost for replacing the entire breakwater system at once is estimated at about \$320,000. The breakwater assembly comes in 10 foot sections so it would be practical to build sections at a time as the budget allowed. Maintenance is limited to replacing damaged planks and it appears most if not all routine maintenance could be done by Westwood personnel.

Appendix II contains Bob’s notes, a bid from late 2016, a photo of the marina’s current condition and current season’s list prices at nearby marinas.

2022 Budget-

2020 operating expenses were significantly lower than budgeted, primarily due to lower costs for “Maintenance and Repair (M&R)”. M&R was 58%, about \$35,000, under budget. Utilities costs were lower as well, about 93% of budget, about \$10,000 under. In total, operating expenditures were 87% of budget, a savings of \$48,000. Details of 2020 are included in Appendix IV and will be posted on westwoodvillage.us/financials.

Treasurer wishes to review first quarter 2021 expenditures in early April before presenting a proposed 2022 budget, however, if 2020 trends continue it is expected that the total operating expense fees could be as much as \$40 per month lower than 2021.

Playground-

A suggestion to consider installing a children’s playground has been received by the board. Kirs Stanton offered that his family’s experience is that swings are the most desired. Questions arise such as to how much demand there is, what equipment would be included, and where would the installation be located. Design committee may review this.

Darlene Pfahl-

Darlene and Herm are moving to western Washington at the end of April and Darlene is therefore leaving the board. Darlene has been a valued member and especially has taken on the job of traveling weekly to the Panhandle Management office to sign checks.

Annual Meeting-

The annual meeting will be 8 AM on Saturday July 3, 2021. An owner reception will likely be held the evening before.

Adjourned- Meeting was adjourned at approximately 5:25 PM. Next meeting to be determined.

Minutes submitted by Bern Sheldon

Meeting Recording- An audio recording of the meeting is available in Dropbox. On a PC hover your cursor over the following link and press Ctrl key while simultaneously clicking the mouse (Ctrl + Click): [WVHA Mar 2021 Board Meeting](#). This should open a playback screen.

Alternatively, right click while over the link, select “copy hyperlink” and paste the link into your browser address line. NOTE: 13 minutes of chat before the meeting started was removed; also the last 2 minutes- part of the board’s executive session. The recording will be available for 30 days and is archived with previous board meeting minutes.

Appendix I- Home owner proposals



Photo 1- Graves proposed grill shelter, or similar. Would be installed on patio deck.

Appendix II- Lawyer's Opinion re Bullfrog property

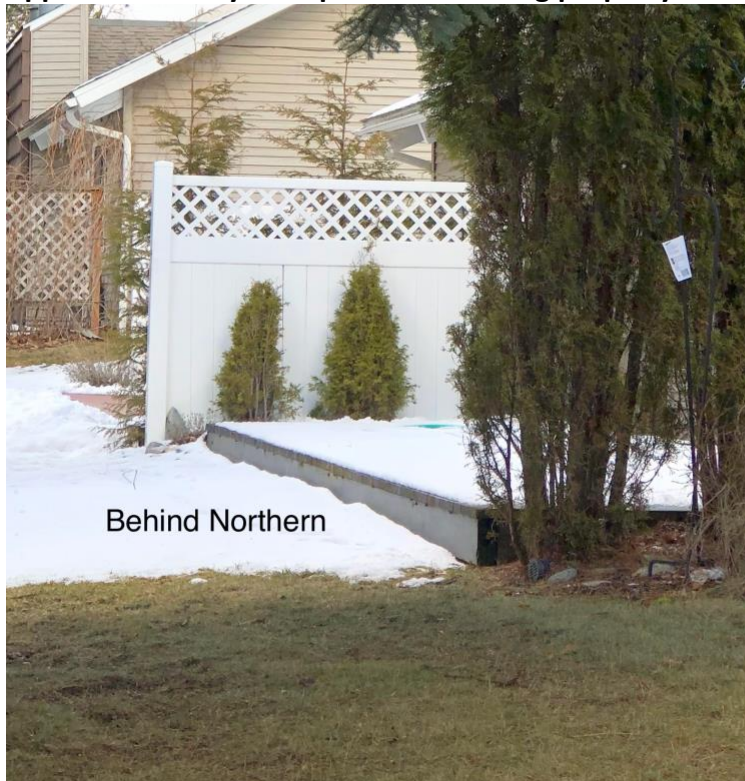


Photo 2- Design of Lindholdt replacement privacy screen, approved.

JAMES THEODORE DIEHL

Attorney at Law
106 West Superior Street
Sandpoint, Idaho 83864
Phone (208) 263-8529
Fax (208) 263-8983

March 11, 2021

Attn: Kris Stanton, President
Board of Directors
Westwood Village Homeowners Association, Inc.
Transmitted via email to: meclimbin@aol.com

Dear Kris:

I have been asked to provide an opinion as to whether the real property adjacent to the "Bullfrog Unit" is Limited Common Area thereby entitling the owner to exclusive use. In responding to this request, I have reviewed all recorded condominium documents beginning with the original Declaration recorded October 25, 1973, and all of the amendments, addendums and restatements up through and including the First Amendment to the Second Amended and Restated Declaration of Westwood Village Condominium filed August 27, 2018. I have also reviewed the Idaho Condominium Property Act codified at Idaho Code §15-1501.

The first reference to the Bullfrog Unit is found in the Addendum #3 to Declaration of Condominium recorded as Instrument No. 204363, where it was contemplated that the "Bullfrog" shall contain one unit consisting of a single family residence with the precise location of the footprint of that building to be determined at a later date. The first deed relating to the Bullfrog Unit is a Warranty Deed recorded as Instrument No. 358289, from Grantors Homme to Grantees Schubert filed February 1, 1989, describing the premises as follows:

The right to construct the Bullfrog Unit of the Westwood Village Condominium, according to the Amendment and Restatement of Westwood Village Condominium Declaration, recorded as Instrument No. 288945, records of Bonner County, Idaho, and as amended by Amendment and Restatement recorded December 3, 1987, as Instrument No. 343148, records of said county.

The foregoing Warranty Deed is conveying to the Grantees the right to build the Bullfrog Unit on Common Area property of Westwood Village as authorized by Addendum No. 3 to the Declaration of Condominium.

Kris Stanton, President
Board of Directors
Westwood Village Homeowners Association, Inc.
March 11, 2021
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By instrument executed July 1, 1989, the actual footprint for the Bulldog Unit was approved by the Westwood Village Homeowners Association by Amendment to the Declarations recorded July 21, 1989, as Instrument No. 364016. This Declaration identifies the specific dimensions of the Bullfrog and further provides:

"THE BULLFROG UNIT IS A SINGLE-FAMILY RESIDENCE, CONSISTING OF THE EXTERIOR WALLS, ROOF, AND FOUNDATION OF SAID RESIDENCE AND ALL ENCLOSED THEREBY. ALL OTHER AREA WITHIN THE BOUNDARIES OF THE SITE NOT WITHIN THE UNIT OWNERSHIP SHALL REMAIN COMMON PROPERTY OF WESTWOOD VILLAGE."

The subsequent deeds of conveyance describe the premises simply as the "Bullfrog Unit" as described in the Condominium Declarations and their subsequent amendments.

The Bullfrog Unit was approved as a single family residence to be placed on Common Area and other than the footprint of the building, there is no evidence of any additional conveyance of property surrounding the Bullfrog Unit from the Westwood Village Homeowners Association. Therefore, the property surrounding the Bullfrog Unit retains its status as Common Area owned by the Unit Owners within Westwood Village.

I was intimately involved in the extensive project to amend and restate the Declarations of Condominium during 2012 and 2013. The purpose behind that project was to consolidate and clarify the Declaration of Condominium and all of the numerous amendments and addendums. I worked closely with Rocky Seelbach and the Board in drafting the Second Amended and Restated Declaration of Condominium. There was no intent to address any ownership rights relating to property within Westwood Village other than a small parcel of property near the entrance that was acquired from Westwood Terrace. Considerable time was spent attempting to distinguish the different treatment between multi-family units within Westwood and the single family units as they are treated differently relating to maintenance and repair. In hindsight, including the Bullfrog (which is a single family residence) in the discussions regarding Lots 16, 18, 19 and 42 may have created some confusion but, clearly, was not designed to create property rights that did not exist. Lots 16, 18, 19 and 42 are independently owned legally described lots which were included within the Declaration of Condominium. They were and still are legal lots that are titled in the name of the owners. The property where the Bullfrog is situated is not a legal lot and title to the real property lies with Westwood Village Homeowners Association subject to the condominium form of ownership similar to the multi-family units throughout the

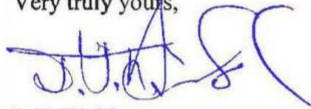
Kris Stanton, President
Board of Directors
Westwood Village Homeowners Association, Inc.
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subdivision. There were significant discussions that the maintenance and repair responsibilities associated with the Bullfrog were more closely aligned with the four individually owned lots and it was for that reason that the Bullfrog was treated differently than the multi-family unit dwellings.

Perhaps the Second Amended and Restated Declaration of Condominium created an ambiguity but, it does not change the ownership of the real property. In my opinion, the owner of Bullfrog owns the footprint where the improvements were constructed and is responsible for the maintenance and repair of not only the interior but also the structural and exterior of the unit. In my opinion, the land surrounding the Bullfrog Unit remains Common Area which perhaps could be converted to Limited Common Area following the procedures that are available through the Westwood Village Homeowners Association.

I hope the foregoing will assist in your discussions relating to this issue.

Very truly yours,



J. T. Diehl

JTD/da

Enclosure

Appendix III- C. E. Kramer Marina Report and Estimated Replacement Cost as of 12/2016

Westwood Village
P.O. Box 1941
Sandpoint, ID 83864



3/11/2021

Attn: Westwood Village HOA

Re: Marina/ Breakwater

Subject: Report

The following report to be presented as follows: 1) review of past maintenance, construction and quotes, 2) breakwater replacement plan.

- 1) Oct. 1, 2020: Maintenance - secure log/ remove free floating log, \$975.00
- July 8, 2020: Maintenance - east and south breakwater, quoted work, \$4,960.00 (4/13/2020)
 - West Breakwater - 2 new piles @ \$1,200.00 ea.
 - marina access \$1,295.00
 - East Breakwater - 1 pile @ \$1,200.00
- June 26, 2017: South and SW breakwater repairs, \$10,720.00
- August 16, 2016: West breakwater repairs, \$2,970.00
- July 16, 2015: East, south and west breakwater repairs, \$9,086.00
- August 7, 2014: East breakwater, \$2,755.00
- June 19, 2012: Dolphin installation at breakwater, \$9,750.00
- September 26, 2011: West and south breakwater, \$624.00
- July 16, 2007: New piles for breakwater, \$7,400.00

Breakwater repairs/ maintenance: \$54,137.00 (2007 - 2020)

- 2) Breakwater replacement quote, December 7, 2016: Complete removal of existing breakwater - construction of new steel frame/ plastic float - \$293,534.00. Itemized quote and drawings attached.
- 3) It is C.E. Kramer Crane and Contracting's opinion that any future work to the breakwater system be directed toward replacing the existing breakwater with new steel frame, plastic float system.
- 4) Current slip prices in the area: \$1,400.00 - \$1,600.00 season
Westwood Village HOA 1990 Moorage Contract, Homeowner rate \$150.00 for 20' slip, \$250 for 30' slip.

GENERAL CONSTRUCTION • CRANES • MARINE CONSTRUCTION • TUGS AND BARGES • UNDERWATER CONSTRUCTION
EXCAVATING • PILE DRIVING • DUMP TRUCKS • BRIDGES • HIGHWAY CONSTRUCTION

495670 Hwy 95 • Naples, ID 83847 • Marina 46820 • Hwy 200 • East Hope, ID • 208-267-2464 • FAX 208-267-2464

DEC. 1, 2016



**Option B: Steel Galvanized Frame With Floats
And Vertical Breakwater Boards**

1.	Demolition of logs and breakwater, approximately 830 lineal feet and dispose of it	Lump Sum		\$ 15,000.00
2.	East Breakwater, 191 ft. x 10 ft.			
	-6 new 10 inch steel pipe piles	\$1,200.00/	6 ea.	\$ 7,200.00
	-Galvanized steel frame with ACE floats and 5 foot vertical breakwater boards on both sides.			
	-10 each 20 ft. x 10 ft. x 5 ft. sections	\$5,800.00/	10 sections	\$ 58,000.00
	-Pile pockets installed	\$220.00/	8 ea.	\$ 1,760.00
				=====
	Total east breakwater =			\$ 66,960.00
3.	South Main Breakwater 361 ft. x 10 ft.			
	-No extra piles required			
	-Galvanized steel frames, floats and breakwater boards			
	19 each 20 ft. x 10 ft. x 5 ft. sections	\$5,800.00/	19 sections	\$110,200.00
4.	South Short Section 55 ft. x 10 ft.			
	-One new pile required	\$1,200.00/	1 ea.	\$ 1,200.00
	-Galvanized steel frame, floats and breakwater boards			
	-2 each 20 ft. x 10 ft. x 5 ft. sections	\$5,800.00/	2 sections	\$ 11,600.00
	-1 each 15 ft. x 10 ft. x 5 ft. section	\$5,200.00/	1 section	\$ 5,200.00
	-Pile pockets installed	\$220.00/	3 ea.	\$ 660.00
				=====
	Total =			\$ 18,660.00
5.	West Breakwater Sections 216 ft. x 10 ft.			
	-3 new pipe piles required	\$1,200.00/	3 ea.	\$ 3,600.00
	-Galvanized steel frames, floats and breakwater boards			
	10 each 20 ft. x 10 ft. x 5 ft. sections	\$5,800.00/	10 sections	\$ 58,000.00

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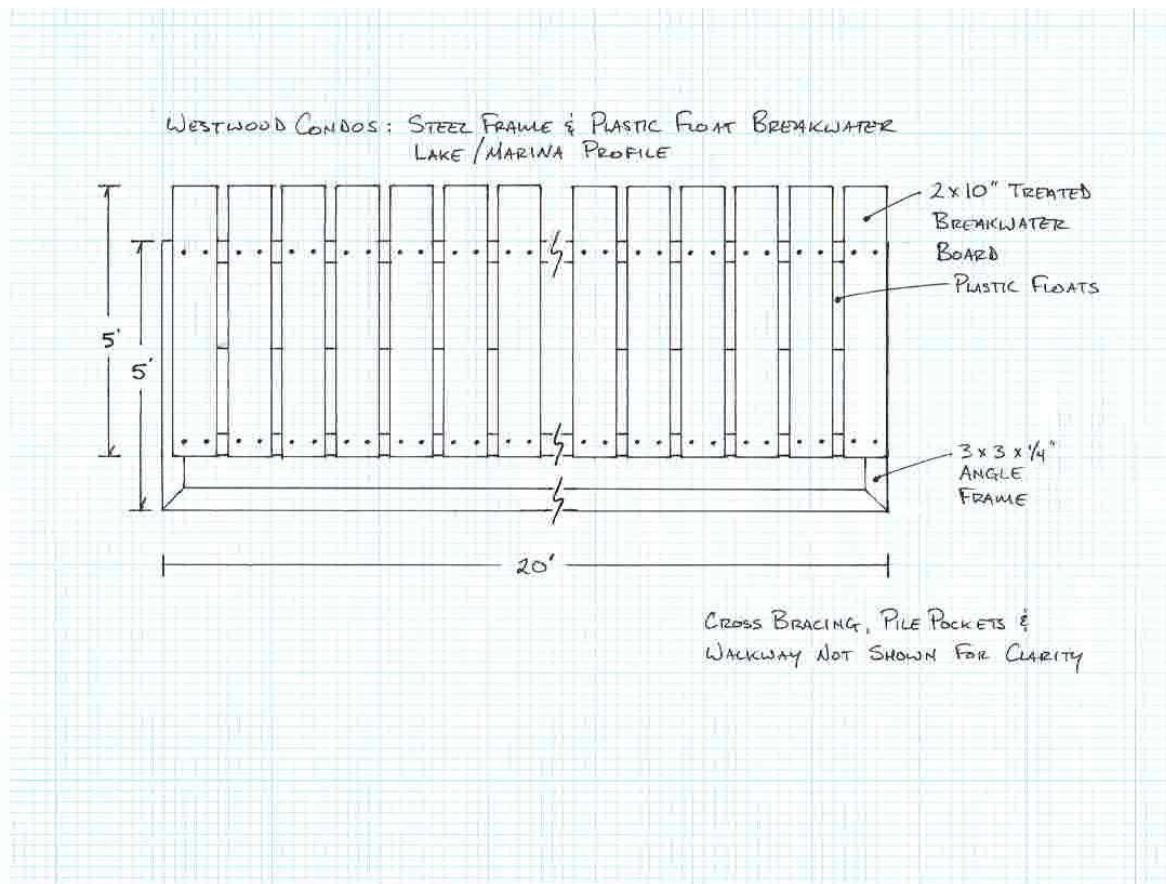
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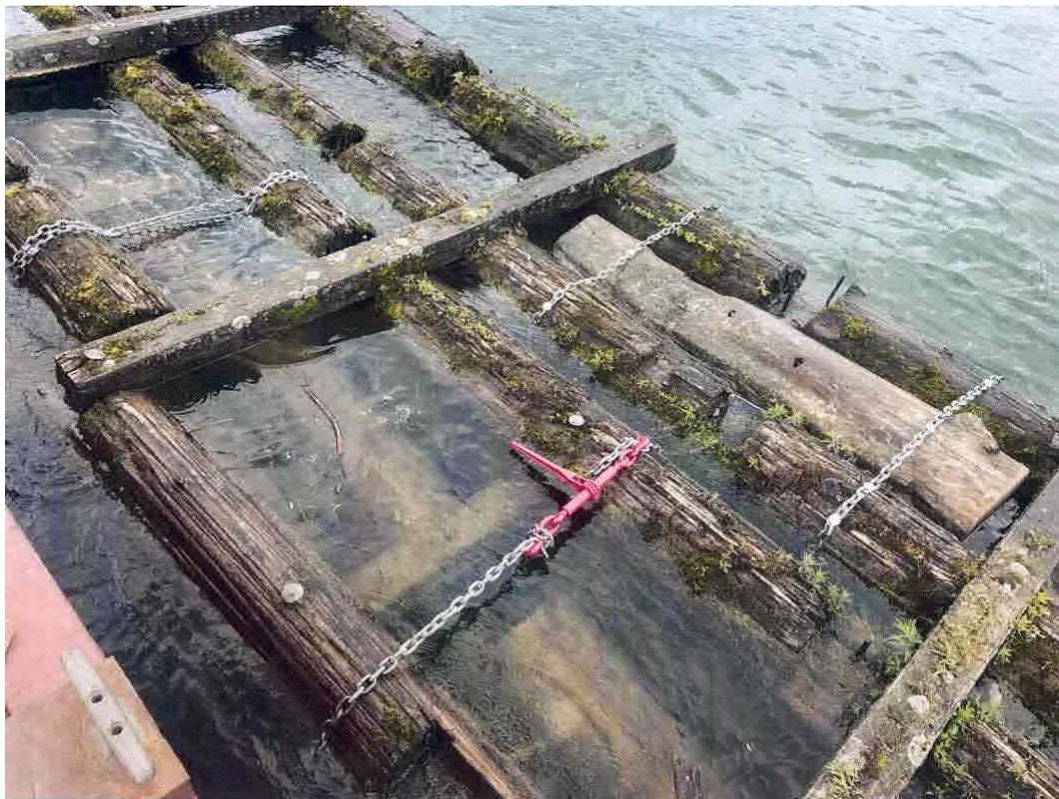
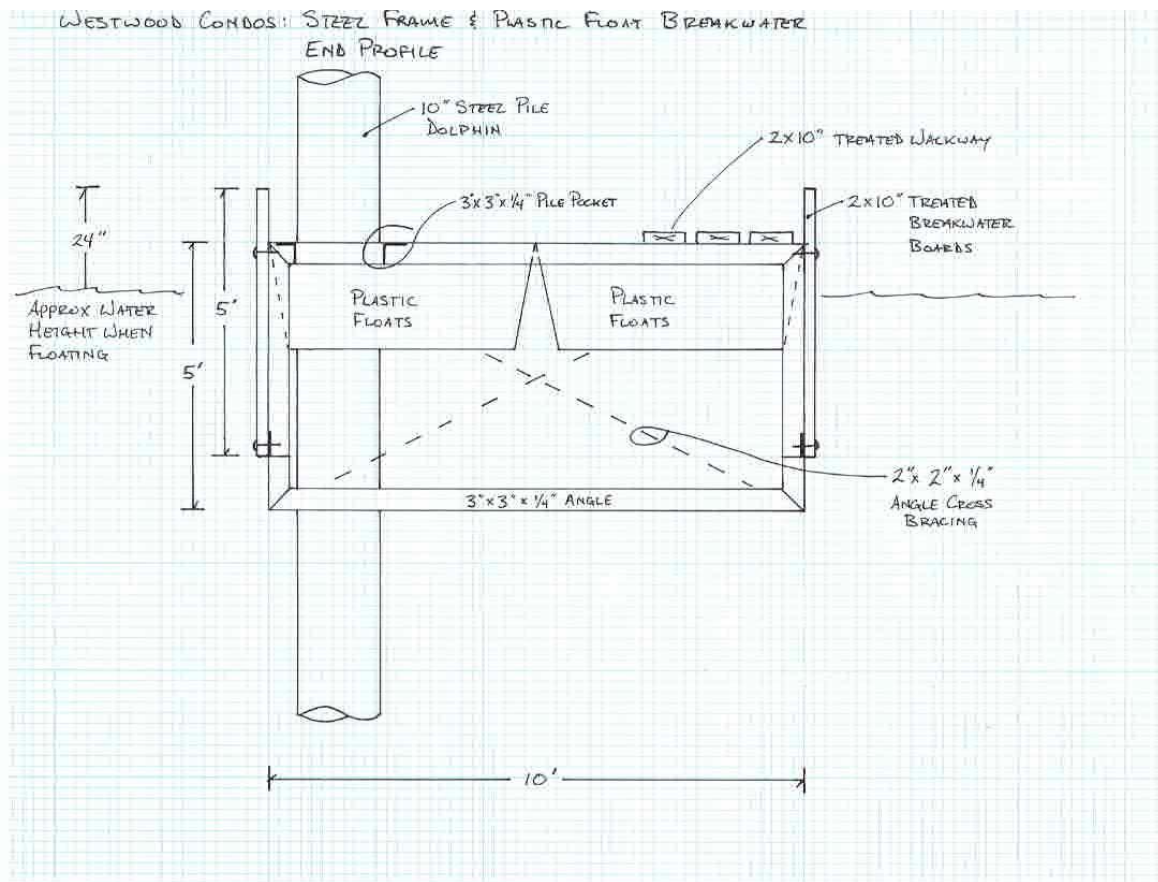
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-1 each 16 ft. x 10 ft. x 5 ft.			
section	\$5,200.00/	1 ea.	\$ 5,200.00
-Pile pockets installed	\$220.00/	5 ea.	\$ 1,100.00
			=====
Total west breakwater =			\$ 67,900.00
6. Walkway One Side	\$18.00/	823 LF	\$ 14,814.00

Summary:

Marina Demo=	\$ 15,000.00
East Breakwater =	\$ 66,960.00
South Main =	\$110,200.00
South Short =	\$ 18,660.00
West breakwater =	\$ 67,900.00
Walkway =	\$ 14,814.00
	=====
Option B Total =	\$293,534.00





2021 Season Marina Slip Prices

Sandpoint City:	24' \$793.80	30' \$1028.80
Dover (sold out):	20' \$1790	22' \$1935
Kramer (Hope, sold out):	25' \$1400	28' \$1500

Appendix IV- 2020 Operating Expense Results, Historical Comparison

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Other Income											
Marina Slips Leases	17,500	18,350	17,500	18,625	17,500	18,150	17,500	17,500	18,000	16,180	19,000
Westwood Terrace Easement	2,000		2,000	2,000	2,000	2,000	2,000	2,000		2,000	2,000
Other: late fees, new member fee, fines	1,000	6,820	1,000	2,802	1,000	750	1,000	1,000	1,500	1,175	1,000
Total Other Income	20,500	25,170	20,500	23,427	20,500	27,448	20,500	20,500	19,500	19,355	22,000
Total Operating Revenue	371,704	378,843	373,600	381,329	383,080	357,020	380,236	356,483	369,756	330,743	333,388
Expenditures											
Personnel											
Salaries	103,000	93,016	92,000	96,344	103,000	84,411	101,096	97,051	109,312	97,906	106,128
Payroll Taxes	14,000	11,664	13,800	12,482	16,000	10,750	14,498	14,339	10,376	13,464	10,074
Bonus	1,800		1,800	1,632	1,800	1,363	1,800	4,000	1,800	1,800	1,800
Gas Allowance	1,250	1,000	1,000	1,250	1,500	1,000	1,250	895	1,000	1,250	1,800
Mileage	400	313		358		-	3,500		5,000	2,561	5,000
Personnel Cost Subtotal	120,450	105,993	108,600	112,066	122,300	97,525	122,144	116,285	127,488	116,981	124,802
Maintenance and Repair											
Yard and Grounds	22,000	13,441	20,000	21,765	17,500	19,296	20,000	14,587	20,000	17,399	20,000
Docks	15,000	13,230	15,000	21,102	15,000	7,458	14,300	10,629	10,000	14,292	15,000
Exterior and Buildings	15,000	8,663	22,500	16,772	10,000	21,390	10,000	23,759	5,000	3,109	10,000
Snowplowing	7,000	5,404	7,000	7,325	10,000	6,920	10,000	8,490	10,000	2,695	10,000

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