

MBR Board Meeting May 2022

Friday, August 26, 2022 3:44 PM

Meeting Minutes For MBR Board Meeting May 2022

Meeting Date: Friday May 20, 2022

Minutes taken by Rheannon Schoephoester

To facilitate moving the meeting along, all presenters (Members, Staff, Board Members) will be limited to floor time for each of their sections:

- Members two mins presentation per item, plus three mins Q&A;
- Staff ten minutes; and
- Board members ten minutes.
- Everyone: please be succinct and efficient with our time.

1. Meeting Commencement

Call to order at: 7:02

In attendance:

Dave Clements, Mike Wilson, Laura Meyer, Reeve Newton

Board: Dawn, Steve, Rip, Rheannon, Ben, Rob

2. "In-Person" Member Questions (2 min. time limit plus 3 min. back and forth)

3. Consent Agenda Items a-c

Rob motion to approve consent agenda, Steve seconds.

Note: I do not have last meeting's (April) minutes and David is away on a retreat. Please vote via email if he sends these out when he's back.

| Consent: | | | | | |
|-------------------|--|------------------------------------|---------|---------------------|---|
| 18016 | vacation rental registry | b.m. fine | \$750 | appealing @ 5/20 | emailed appeal |
| 16020 | vacation rental registry | b.m. fine | \$900 | appealing @ 5/20 | 6 x \$150 = \$900 |
| 12015 | vacation rental registry | b.m. fine | \$900 | | |
| 17022 | vacation rental registry | b.m. fine | \$900 | | |
| 16013 | vacation rental registry | b.m. warning | | | confirmed submitted wrong name to registry |
| 14060 | vacation rental registry | b.m. warning | | | confirmed missed registry of 1 guest |
| 11017 | vacation rental registry | b.m. fine | \$1,075 | | |
| 19019 | vacation rental registry | b.m. fine | \$750 | appealing @ 5/20 | wrote appeal letter |
| 18029 | vacation rental registry | b.m. fine | \$1,050 | | |
| 14053 | vacation rental registry | b.m. warning | | | |
| 14031 | vacation rental registry | b.m. fine | \$2,700 | 9 x \$300 = | \$2700 |
| 11102 | vacation rental registry | b.m. warning | | | |
| 13022 | vacation rental registry | b.m. fine | \$1,500 | Appealing 5/20 | 10 x \$150 = \$1500 |
| 10810 | vacation rental registry | b.m. warning | | | |
| 13029 | vacation rental registry | b.m. warning | | | |
| 19002 | vacation rental registry | b.m. warning | | | |
| 15028 | vacation rental registry | b.m. warning | | | |
| 19008 | vacation rental registry | b.m. warning/ cleared of violation | | | Rebecca did not stay there. Was moved to different property due to power outage |
| 14061 | vacation rental registry | b.m. warning | | | |
| 16004 | vacation rental registry | b.m. warning | | | |
| 18005 | Breakdown recycling boxes and fully dispose | s.m. warning | | | |
| 18017 | Breakdown recycling boxes and fully dispose | s.m. warning | | | |
| 14041 | Construction vehicles ruining MBR property | b.m. fine | \$600 | Will appeal in July | 3 large construction trucks started pouring concrete before 8AM 3 x \$200 = \$600 |
| Discussion | Amend incomplete registration form fine \$25 to \$50, \$100, \$150 & \$250 | | | | |
| | Appeals- 13022, 16020, 19019, 18016 | | | | |
| | Not Approved tree removal 18009 | | | | |
| | Request from 16020 to include eliminating documented vacation registries to membership voting ballot | | | | |

a.

violations report

| | | | | | | | |
|-------|---------------------|------|---------|--|--|--|--|
| 12031 | Perc Holes Unfilled | b.m. | warning | | | | letter sent 5/20 fill by 6/4th 15 days to fill |
|-------|---------------------|------|---------|--|--|--|--|

b. Legal and Insurance report

May Legal Report:

May Consent Agenda

FIRES AND BURN BAN RESTRICTIONS

No fires are permitted during a 'Burn Ban' as denoted by Whatcom County. MBRCC prohibits the use of charcoal BBQs as well during any 'Burn Ban'.

All fires on Mt. Baker Rim member properties are required to be contained in an enclosure consistent with Whatcom County Code and Regulations and attended by an adult 18 years old or older at all times until fully extinguished with water. A charged water hose must be on hand next to the fire, when required. A fine will occur for any fire that is determined by the MBR board of directors to be unsafe.

Whatcom County Burn Permits must be obtained if required. No fire greater than 4' x 4' on member properties" is permitted under any circumstances.

The burning of the following is prohibited: stumps, garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than enough to start a fire), cardboard, treated wood, construction, or demolition debris (including untreated milled lumber), metal, or any substance other than natural vegetation."

The unsafe use of power equipment or discarding of any smoldering, smoking or burning material that could result in a fire is prohibited.

For purposes of all MBR Rules, Bylaws, Covenants and Property Standards the word "fire" is defined as the "the combustion of any material(s) that produces embers".

Legal Report

The two Lawson lots are pending transfer.

The Min Property Standards have been revised as discussed in the last meeting.

Two questions remain on language in the FSR portion and on Fences.

Review of Member Proposed Bylaw change.

- c. Vote to approve 4 documents that accompany the Property standards 2022 updated doc.

Please Note: The property standards doc itself will be voted on separately pending a couple clarifications from the board before voting to approve.

MBRCC Certificate of Minor Project Approval

"C:\Users\Seren\Downloads\MBRCC Certificate of Minor Project Approval.pdf"

MBRCC Damage and Compliance Deposit

"C:\Users\Seren\Downloads\MBRCC Damage and Compliance Deposit.pdf"

MBRCC Permits_General Development

"C:\Users\Seren\Downloads\MBRCC Permits_General Development.pdf"

MBRCC Permits_On Site Sewage

"C:\Users\Seren\Downloads\MBRCC Permits_On Site Sewage.pdf"

4. New and continuing business

- a. Secretary None - Not present/retreat
- b. Treasurer nothing to note
- c. President

Pool Temp, Rheannon thinks that the majority of the pool users would prefer something warmer than 80 degree. Research states that 78-80 is cool for a public pool and generally only used for sports pools. Rheannon suggests raising it to 85 or so.

Rheannon also talked with Ed our professional pool guy who says most are at least 82 degrees minimum, many are 85 for outdoor. Rheannon states it's going to be cool opening day with low outdoor temps and thinks the pool should really be warmer than 80.

Mike says pool pump taking a while to heat since it's been so cold lately and it was started up late.

Salt chlorinator not quite completed, will be done soon.

Mike doesn't want to heat the pool warmer than 80. One board members state Mike should decide our community pool temp. Mike says he wants it 80.

Rheannon notes that Chris shouldn't be temp employee status anymore:

After 6 months he should have begun accruing PTO, and she would like to see him get back pay towards that so he earned what all the other staff members have been earning. Board agrees, Laura will work on getting him back benefits for that.

Heather Joins at 7:23

Rheannon was wondering if the pool gate buzzer was installed yet, or when it might be? Was going to ask Arnost he's not here.

AGM BUSINESS.....

- d. G & M

Rip says he's glad the community manger does written reports now so he doesn't have so much to report, and hands things over to Mike.

- e. Mike

Would like to hire someone for summer to help out because Chris is often off his feet right now will an injury.

20 hours a week or so \$17.50 an hour.

Can someone underage work for us? Can we hire Gus to help out?

We want to keep work available for Chris when we can, but Steve suggests Mike go to LNI website and check into hiring minors. The board agrees hiring Gus to help out with lawn mowing etc would be good, and gives permission to reach out and hire.

Mike sates Inspector for clubhouse didn't show up Monday, came on Wednesday, no issues. Had to reschedule concrete pour, patch and finish because inspector didn't come on time.

Monday and Tuesday concrete work should be finished.

Foundation lift was successful.

Plumbing and sticky doors etc still need fixed now.

Rip asks do we now have better idea on what caused foundation collapse? Mike says it doesn't matter at this point, they drive piles into ground (16 or so) and they hold a lot of pressure.

Ben asks if Plumbers and Mt. Baker septic are scheduled yet?

Mike says no nothing scheduled yet.

Board member asks why the plumbing wasn't lined up already.

Mike says he will have plumber swap out wax seals on toilets too. Blythe Mechanical not involved anymore.

Ben asks who we are using for a plumber. Dave Clements says Valley Plumbing doesn't have cameras, and Baron does.

Mike also mentions him and Laura cloned gate reader database.

Laura figured out how to look back and find events in card reader system.

Wildfire assessment was circulated a while back in email. We can have the accredited Firewise status.

- f. Property Standards

4 builds about ready to start. 4 builds trying that Ben doesn't think they can pull off this summer. 3 houses nearing completion.

Shuksan Rim Dr. Tall currently yellow house is what our rules allow for max height.

13009 Crystal Lane - Owner would like tree removed that is in their driveway because it's in the way and gets hit by cars sometimes too. Ben asking for board vote to allow or not. After board discussion everyone realizes that according to our rules the member needs to appear before the board to ask to

have it removed themselves, the board didn't realize it had to be done by member himself. Ben will let them know he cannot ask on their behalf and they will need to attend a meeting.

Arnost joins 8:08 pm

Mike asks if both him and Ben don't agree on cutting a tree down then he wants to bring in a third person to discuss it.

Ben suggests they discuss it among themselves first and that Mike doesn't email the owner and include them in the discussion before a decision is made.

Mike still wants a third person to help decide on hazard trees.

Ben suggests Mike communicate with him first before reaching out to owners so that owners don't see the bickering about a tree.

Rip, Dawn, and Rheannon state that Ben is correct. Mike needs to view the trees and communicate with Ben first and when they have an answer together then one of them can tell the member the answer rather than including the members in discussion before a decision is made.

g. Legal & Insurance

Votes before passing Property Standards Doc updates:

1. Should we include the following in the FSR section.

Board votes 7-1 (8 in attendance) to pass as Mechanical closets and garages are excluded from FSR.

" Unfinished areas such as garages and mechanical closets may be excluded" will be kept in the Property Standards Doc.

2. Fence questions:

Do we want to require fences to be 4 feet or less in the front?

If so, Do we want to only have fences 4 feet in front if they are within the 25' setback?

If not, Where do we draw the line? If fence behind house now over 4 feet ok, or only four feet if in front of home?

Some options:

a. For property lines that do not adjoin a roadway, fences may be located zero distance from the property line, subject to MBRCC approval. In instances of a zero distance setback request, MBRCC will seek consent from neighboring property owners prior to granting approval.

b. Any property line along a road has a setback distance of 25' and no fence may exceed 4' in height within the setback area."

"No fence facing the front setback of a lot may be more than 4 feet in height (on corner lots both sides facing the street are considered a front of a lot). For property lines that do not adjoin a roadway, fences may be located zero distance from the property line, subject to MBRCC written approval. In instances of a zero-distance setback request, MBRCC will seek consent from neighboring property owners prior to granting approval. Fence height and design considerations must conform to Whatcom County building codes."

Rob motions to adopt wording for both section a & b above, Dawn seconds, All in favor, and none oppose.

16020 -Proposed deletion of Bylaw that requires renters to register their guest. Member 16020 doesn't want to have to comply with this Bylaw so she has asked to remove it instead. She states she will be dragging the MBR board to court once again because she doesn't want to comply with our rules and is upset she was fined for not doing so.

This rule is very important for MBR so that we can catch the renters who break our gates, cause damage to the garbage area, etc. We might as well get rid of the gate if we remove this rule.

This member gave reasons why she thinks we should do it, so as a board we will submit it to the membership as required with our reasons why we are against it.

Steve motions that we disapprove of removing this, Dawn seconds. All in favor, no one opposes.

All board members agree it's a very bad idea to remove this Bylaw rule.

h. Violations

4 appeals, (these were sent in writing to the board to read ahead of the meeting.)

16020

18016

13022

19019

Ben motions that all these fines are upheld completely, and Dawn seconds. All in favor except Rob who abstains.

16020 is a habitual violator of our rules and is also the one who states she is going to take us to court again. Steve mentions possibly getting an injunction against her. We could possibly stick her with attorney fees too.

She said she wanted to attend tonight to appeal and did not show up again. Her excuse for not registering these guests was once again that she thinks these are not necessary.

Heather motions proposal to raise the fine for inaccurate or incomplete registries from starting at \$25 to being \$50 1st \$100 2nd \$150 3rd \$250 4th Rob seconds. No oppose.

Arnost suggests we update our camera software to only allowing in vehicles that have been registered already. This is a possibility and we may go this route eventually.

Back to Legal- Steve motions to pass property standards doc with included wording updates from tonight, and Rip seconds. All in favor. None opposed.

Steve suggests a bylaw change to fix our rules that allows just one member to suggest a bylaw change on their own. The suggestion would change the bylaw to read :

Article XIII - Section 2. The members shall have the power, by a vote of two-thirds (2/3) of the members present or by proxy at an Annual General Meeting or a Special Meeting, provided a quorum is present, to make, amend, or repeal the Bylaws, providing notice of intention to make, amend or repeal the Bylaws at such meeting shall have been given in accordance with the provisions for notice contained in these Bylaws. (as amended June 4, 2005)

If a member wishes to make, amend or repeal a Bylaw, such notice of intention shall be sent to the Board of Directors at any time during the year for review. (as amended June 8, 2018)

The board votes is to Remove:

If a member wishes to make, amend or repeal a Bylaw, such notice of intention shall be sent to the Board of Directors at any time during the year for review. (as amended June 8, 2018)

Board votes on whether or not to Insert the following in the place of what's removed:

A petition signed by a minimum of 5% of the members who wish to make, amend, or repeal a Bylaw, shall present such petition to the Board of Directors no later than 60 days prior to the AGM for consideration at the AGM meeting. The Board of Directors shall review the petition when submitted.

Rob motions to accept Steve's proposed Bylaw change. Dawn seconds, all in favor, and none opposed.

The Bylaw will now read:

Article XIII - Section 2. The members shall have the power, by a vote of two-thirds (2/3) of the members present or by proxy at an Annual General Meeting or a Special Meeting, provided a

quorum is present, to make, amend, or repeal the Bylaws, providing notice of intention to make, amend or repeal the Bylaws at such meeting shall have been given in accordance with the provisions for notice contained in these Bylaws. (as amended June 4, 2005)

A petition signed by a minimum of 5% of the members who wish to make, amend, or repeal a Bylaw, shall present such petition to the Board of Directors no later than 60 days prior to the AGM for consideration at the AGM meeting. The Board of Directors shall review the petition when submitted.

i. Member at Large

Arnost wants to work on expanding wireless coverage and wifi over swimming pool area. He mentions the possibility of playing music over speakers at the pool area. Not much in favor of it on the board, so discussion moves on.

Arnost to add buzzer to gate at pool.

j. Member Relations: Nothing to note.

5. Other: N/A

6. Date of next BOD Meeting June 25th AGM,

7. July board meeting date undecided.

8. **Executive Session**

9. **Return to main meeting @ 11:20**

10. Rheannon motions to Adjournment @ 11:20 Steve seconds All in favor