

Edelweiss Maintenance Commission
Minutes of Board Meeting on October 15, 2018

Call to Order: The meeting was called to order at 6:05 PM by President John Kirner. In attendance were John Kirner (Board President), Steve Ralph, Chuck Timchalk (Secretary), Kirk Schumacher, Pete Speer and Nichole McCullough. Also in attendance were: Dick Volckmann (General Manager), Lin Lasater (Community Member) and Lucina McAllister (Community Member).

Absent board members included: Sern Watt, Chuck Armstrong (Treasurer) and Alan Fahnestock.

Replacement on Board, of Position of Treasurer: **J. Kirner** noted that Chuck Armstrong will become a part-time resident and will be spending a good deal of time out of state. He has therefore requested being relieved of his position as HOA Treasurer but will remain as an HOA board member.

Motion: **P. Speer** nominated **S. Watt** to become the new Treasurer, **K. Schumacher** seconded the nomination. There was no discussion offered by board members and no other nominations were put forward. The board members present voted 100% in favor of **S. Watt** becoming the HOA Treasurer.

J. Kirner recommend that several officers (President and Vice-President) be given signature approval with regard to finances. There was a general agreement by board members that this is a good idea, since **S. Watt** does not live in the community full time.

Discussion and vote for a resolution regarding parking on community roads in Edelweiss:

The following resolution prepared by **K. Schumacher** at the request of the HOA board, was presented:

WHEREAS, Article 3 of the Bylaws of the Edelweiss Maintenance Commission ("Bylaws") provides the Board of Directors with the powers and duties necessary for the administration of the affairs of the Edelweiss Maintenance Commission ("Association"); and

WHEREAS, Section 1.9(6) of the Bylaws gives the Association the power and duty to regulate the use, maintenance, repair, replacement, and modification of Common Areas, which include the private, common roads within Edelweiss; and

WHEREAS, the Board has determined that it is in the Association's best interest to develop rules and regulations regarding the Common Areas and the private, common roads within Edelweiss.

NOW, THEREFORE, BE IT RESOLVED THAT the following rules and regulations are adopted with respect to the Common Areas and to the Association's roads.

I. Rules and Regulations:

1. Homeowners and their family members, employees, visitors and other invitees, tenants, and agents shall not obstruct any Common Area or any road within Edelweiss or cause an obstruction of, or cause any physical hazard to be placed on, any Common Area or road within Edelweiss. Each of the roads within Edelweiss is an "Association road" in these rules and regulations.

2. Vehicles shall only be parked in garages and/or on private driveways. Parked vehicles shall not obstruct any Association road or any portion of an Association road or Common Area.

3. Vehicles temporarily parked alongside an Association road shall be parked safely, shall not obstruct the road or any private driveway, and shall not obstruct drivers' lines of sight on the Association road alongside which they are parked.

II. Enforcement:

1. Homeowners are Responsible for Compliance. All Homeowners are responsible for ensuring compliance with these rules and regulations by (and are also subject to penalties for non-compliance by) their family members, employees, visitors and other invitees, tenants, and agents.

2. Removal of Obstructions and Hazards at the Homeowner's Expense. The Board of Directors shall have the authority to remove obstructions of, and actual or potential physical hazards on or to, a Common Area or Association road, which includes the authority to charge the costs thereof to the responsible Homeowner or other responsible party, including costs of towing and impoundment of vehicles, attorney fees, and all other expenses incurred by the Association because of the obstruction or hazard. The Board may delegate this authority to the Association's management or to another designee.

3. Unsafe Obstructions and Hazards Subject to Immediate Removal at the Homeowner's Expense. Any obstruction of, or physical hazard on or to, a Common Area or Association road that the Board of Directors or its designee determines presents an immediate safety hazard, and any improperly parked vehicle that the Board or its designee determines is blocking a fire hydrant, is subject to immediate removal and impoundment without notification to the responsible Homeowner, vehicle owner, or other responsible party, and the costs thereof will be charged to the responsible Homeowner, vehicle owner, or other responsible party.

4. Minor Obstructions and Potential Hazards; Notice, and Removal. For obvious, minor obstructions of, and other potential hazards on or to, Common Areas or Association roads that the Board of Directors or its designee determines violate these rules and regulations but which do not appear to present an immediate safety hazard, the Board or its designee shall post notice on the obstruction, vehicle, or physical hazard requiring the responsible Homeowner, vehicle owner, or responsible party to remove the obstruction, vehicle, or physical hazard within 24 hours of the date and time of the notice. Obstructions, vehicles, and physical hazards not removed within those 24 hours are subject to immediate removal and impoundment, and the costs thereof will be charged to the responsible Homeowner, vehicle owner, or other responsible party.

5. Fines Imposed for Violations. The Board of Directors shall also have the right and power to levy a reasonable fine to any Homeowner for any violation of these rules and regulations by them or by their family members, employees, visitors and other invitees, tenants, and agents. When such a fine is imposed, the Board of Directors or its designee shall provide the responsible Homeowner with notice of the violation and an opportunity to request a hearing before the Board of Directors to challenge the fine. The Board of Directors may impose a fine of \$50.00 for the initial offense and \$25.00 per day for an offense of a continuing nature until such time as the offending obstruction, vehicle or physical hazard is removed or towed. Any fine so imposed and any costs incurred by the Association that are charged to a Homeowner because of a violation of these rules and regulations may be secured by a lien against the responsible Homeowners' title in accordance with the laws of Washington State.

6. Notice to the Association About Obstructions and Hazards. Anyone may notify the Board of Directors or its designee or any other member of the Association's management about any obstruction to, or hazard on or to, the Common Areas and Association roads at any time. Requests by Homeowners to enforce these rules and regulations by removing an obstructing or hazardously placed vehicle must be in writing to the Board of Directors or its designee.

7. All Other Remedies are also Available. The Board of Directors reserves the right to exercise all other powers and remedies for obstructions to, and other physical hazards on or to, the Common Areas and Association roads under the Association's governing documents, the laws of Okanogan County, and the laws of the State of Washington.

8. Association Not Responsible for Damage. The Association is not responsible for damage to vehicles and other physical objects parked or placed on, operated on, or obstructing or constituting a hazard with respect to any Common Area or to any other Association property or for any damage resulting from the removal of the vehicle or physical object by a third party contracted to conduct such removal.

9. Waivers and Exceptions Allowed. The Association recognizes that under some circumstances (for example, when a home is being built) Association roads or Common Areas will be temporarily and/or partially obstructed. Requests for waivers of these rules and regulations to allow temporary obstructions to Association roads or Common Areas should be made by a Homeowner in writing to the Board of Directors of the Association or to its designee, which shall have the sole discretion to grant or deny the requested waiver, or to grant the requested waiver with appropriate conditions.

III. EFFECTIVE DATE

These rules and regulations are effective as of October 15, 2018.

P. Speer asked about whether this applied to Forest Service roads, and it does not. It only applies to roads that are owned by and are the responsibility of Edelweiss.

Motion: **P. Speer** proposed accepting the resolution as worded, **C. Timchalk** seconded the motion. There was no discussion offered and the board members present voted 100% in favor of the resolution as written.

P. Speer asked about setting up a contract with a towing company. **D. Volckmann** will follow-up and find out who is available to do this.

Other Business:

1. Concerns were raised about community access through the neighborhood to get to Forest Service roads. **P. Speer** mentioned that he has been having an ongoing dialog with our new Forest Ranger (**C. Furr**) concerning the condition of Forest Service roads that are associated with Edelweiss (FS-100). **P. Speer** will continue to dialog with the Ranger concerning this subject. **C. Timchalk** and others discussed continued concerns regarding non-residents utilizing Edelweiss roads to access Forest Service roads and excessive speeding through the neighborhood. **C. Timchalk** suggested that the community consider getting portable speeding signs that could be strategically positioned around the neighborhood and placed in the middle of the road. **P. Speer** noted that he may have a contact to help us make the signs. **P. Speer** brought up question about road turnouts/and widening, and **N. McCullough** brought up the question about putting together a road committee. This will be further discussed at future board meeting.

2. **D. Volckmann**, raised question about 2 individuals who are deeply in debt to Edelweiss. He was granted permission to refer these people to a collection agency. There are currently liens on both properties

Motion. **C. Timchalk** made a motion that when individual home or property owners have leins in excess of 12-months they become subject to management contacting a collection agency to pay off the debt. **N. McCullough** seconded the motion. There was no additional discussion and the board members present voted 100% in favor of the motion as written.

Adjournment of meeting: Meeting closed at ~3:40 pm