

King Ranch Homeowners Association General Meeting
Frenchtown Fire Hall
June 19, 2023

Attending:

Josh Hinrichs, Craig Milam and Michelle Milam, Buz Blass and Elaina Blass, Marvin Stern and Sherry Stern, Brian Corson-Marquess, Ardina Stobie, Arlan Williams, Tyerell DeAguiar and Debbie DeAguiar, Kristee Garr and Donna Bellmore, Bill Bailey, James Lucas, Carol McLean, Maria McLean, Ross McNearney, Alice McInerney and Carl Hoyer. Fifteen (15) of 36 homeowners were represented at this meeting.

Call to Order:

KRHA President, Josh Hinrichs welcomed the homeowners to the 2023 King Ranch General Homeowners Meeting at 6:00 PM and then called the meeting to order.

Road and Water Capital Improvement Funds:

Josh congratulated all the homeowners who participated in the vote for the Road and Water Capital Improvement Funds. A large step forward for our community in deciding to ensure the life and health of our water systems for all three phases by passing the Water Capital Improvement Fund. Josh Hinrichs announced the results of the Road and Water Capital Improvement Fund vote. The association needed a 67% YES VOTE in order to pass each fund. Final Vote percentage for the Road Capital Improvement Fund was 61%. **The Road Capital Improvement Fund did not pass.** The Water Improvement Fund voting result was 78%. **The Water Capital Improvement Fund did pass for the water systems in Phase I and Phases II and III.**

Implementation of the Water Capital Improvement Fund:

The Water Capital Improvement Fund for Mullan Road, Saint Andrews Place and Wild Goose Lane will be in the amount of \$50.00 month or \$600.00 annually for a six (6) year period starting January 1, 2024. January 1, 2024 billing will also include an annual fee of \$50.00 for snow removal for Saint Andrews Place and Wild Goose Lane.

As Josh explained to the homeowners in attendance we can not ignore the health of our private roads on Saint Andrews Place and Wild Goose Lane. It makes more sense to do preventative care now than to wait until the road system needs to be totally replaced. Postponing the start of the Water Capital Improvement Fund from July 1, 2023 to January 1, 2024 will buffer the impact of immediate needs dealing with our private roads on Saint Andrews Place and Wild Goose Lane.

Road Repair on Saint Andrews Place and Wild Goose Lane:

After much discussion it was decided that the roads in Phase II and III should have repairs done this summer. Immediate repairs include replacement of a gatorred section and a chuck hole at the entrance of Wild Goose Lane, fill and pack a missing asphalt

piece on the cart path, and repair of the water access blowout on Saint Andrews Place. This main water blowout is constantly being hit during snow removal. It is necessary to raise the asphalt surrounding the area of the water blowout access. Also included in the immediate repair was the replacement of a square of asphalt that was taken out at 17757 Wild Goose Lane for a water repair in February of 2023. No bids have been made as of June 19, 2023 for repairs. Road repairs would have to be completed before crack sealing and asphalt coating of the two roads could happen.

A bid for \$18,200.00 from HG Asphalt for the resurfacing of the roads was submitted for review. The consensus of those in attendance was that it made more sense to do preventative maintenance now than to have to completely replace both roads in the near future at an estimated cost of \$180,000.00 to \$240,000.00. Josh Hinrichs stated he had contacts that might be able to do the initial road asphalt repairs. If the road resurfacing by HG Asphalt did happen it would be an additional homeowner assessment for the 2023 Road Repairs in the approximate amount of \$650.00 for the resurfacing plus the unknown cost for the asphalt-road repair in 2023. The board will visit with our attorney to see if we can do the road repairs with a general consent and not a vote by the 28 homeowners on Saint Andrews Place and Wild Goose Lane. *After talking with our attorney, Kevin Jones, on July 5th, 2023 Kevin stated that the immediate repairs for the roads such as repair of gated sections, chuck hole and raising the height around the blowout were normal costs of maintenance on our private road system and could be assessed to the homeowners within the two phases affected. In the case of the resurfacing of the **private roads the board would have to declare a vote to approve the cost of \$18,200.00 for resurfacing to proceed** and would need a 2/3 vote (67%) of the 28 homes being affected by the cost of the road resurfacing.*

A question was asked whether our HOA could turn our two private roads on Saint Andrews Place and Wild Goose Lane over to the care and maintenance of Missoula County. Craig Milam stated that on the official recorded King Ranch Phases II & III Plat Map submitted by Bud King approved in April 1997 there is a recorded statement which reads as follows: **The purchaser and/or owner of the lot or parcel understands and agrees that the private road construction, maintenance and snow removal shall be the obligation of owner or property owners' association and that the County of Missoula is in no way obligated until the roads are brought up to standards and accepted by the County of Missoula.** Even if the HOA could turn our two private roads over to Missoula County we have no side areas for commercial plows to push the snow on to for removal.

Remaining on the the topic of roads Arlan Williams asked what happen to the road access to the Common Area between Lots 38 and 32. Craig Milam explained that in the early beginnings of the HOA there was a dirt road accessing the Common Area between those two adjacent lots. Lot 38 did not have a house on it at that point in

time and once a home was built the owner of the property closed off the access to the property thus closing access to the Common Area. Access to the Common Area was to be a 20 foot wide access area between Lots 32 and 31. Because of the houses that were built on Lots 32 and 31 adjacent to the Fire Protection Easement, then established yards with fences effectively blocked all access through the “Fire Protection Easement” to the Common Area.

Please go to www.kingranchhoa.org and Section 2 - HOA Documents. Look for Plat map for Phases II and III. This is the official plat map recorded for Saint Andrews Place and Wild Goose Lane. *This plat of Phases II and III is a map of our two specific neighborhoods, showing our subdivision or tract of land as recorded with Missoula County, detailing where the original surveyors established property lines, separating each parcel or lot and with property lines showing road access and road boundaries.*

Water Repair in February of 2023:

Water repairs were made on our system water distribution line on Wild Goose Lane. The final repair was to a curb stop in a homeowners driveway. The line break was on the distribution side of the break (HOA’s Responsibility) and on the homeowners (Homeowner’s Responsibility). It was determined that “road movement due to vehicle traffic” in the homeowner’s driveway was the cause for the line break at the curb stop. Each household curb stop is the responsibility of the homeowner for location, repair and repair costs. In the future the HOA will not pay for any curb stop repair in homeowner driveways or yards no matter which side the break is on. If a curb stop is in need of repair the homeowner is required to call the King Ranch Homeowner’s Association to notify the water managers of the break so the HOA can set up the repair of the curb stop with a company the HOA has done successful work with in the past.

Curb Stops and finding the location of a property curb stop in case of an emergency water shut off is the responsibility of the homeowner. Ardina Stobie requested information about the company that the HOA uses for private locates of curb stops. Josh Hinrichs stated we would put that information on the website, email it to each homeowner, and put it in the minutes. The individual that does the curb stop locates for hidden curb stops is: “THE WATERMAN” LLC (Private Utility Locating Service), Tim Schwenk, (406) 531-1443. Brian Corson-Marquess stated he had recently used Tim to locate his curb stop and it was hidden approximately a foot underground. The address of “THE WATERMAN” LLC (Private Utility Locating Service) will be found at www.kingranchhoa.org on the FAQ (Frequently Asked Question) page.

Because of the February 2023 water repair our HOA learned the importance of the curb stops. If our water distribution pipes had filled with dirt and mud. All pipes would have had to been flushed out by using water and/or air pressure to remove the debris.

If we would not have been able to locate our curb stops as homeowners and isolate our homes from the rock and mud; the unwanted debris would have come directly into our home water systems or the water line leading from the main water line to our house shut offs. As homeowners we were lucky no rock or mud entered our water lines during this repair. It is each homeowners responsibility locate their home's curb stop and be able to access it to turn it off in the case of an emergency such as occurred last February 2023.

Back Flow Preventers:

The King Ranch HOA has stressed the importance of back flow preventers since 2000. If our water distribution system has a low pressure or no water event a household back flow preventer prevents your pressurized lawn irrigation system from back flowing water from your irrigation system into your house water and into our main water lines. Water, which you drink and the neighbors around you drink. Unfortunately the majority of our private irrigation systems are placed over the top of the household septic system. In the past we have had water tests return "Positive for Ecoli" after low water and no water events. A bacteria found in human fecal waste we flush into our septic systems. In addition there are documented cases of illness and death due to hazardous household products that find their way into drinking water system because of the lack of a back flow preventer throughout the United States. Your lawn irrigation system is considered a hazardous cross connection. The city of Missoula requires each homeowner with a cross connection to be protected with an appropriate back flow prevention assembly to protect the homeowner's drinking water and the public water supply from contamination. Every Missoula City back flow prevention assembly is tested yearly for a fee. As homeowners at King Ranch we need to protect our entire water system by eliminating unprotected cross connections with back flow preventers on our irrigation system.

A question was asked, "Why doesn't every home have a back flow preventer?" Brian Corson-Marquess explained that in most cases the houses in our subdivision were completed and sold with no lawns or lawn irrigation systems. The majority of the lawns and irrigation systems were put in afterwards by homeowners who were possibly unaware that back flow preventers were needed for public water safety.

Back Flow Preventer topic was discussed at this June 19th homeowners meeting in detail. It was decided that the board would convene and create a resolution which would mandate every household to provide proof that it has a working back flow preventer. *After talking with Kevin Jones, our HOA attorney, Kevin stated that a resolution even if signed by every homeowner would not mandate a back flow preventer being installed at every home. Kevin stated that the homeowners can wait until the DEQ or Missoula County requires it by law. Or as Kevin put it... Doesn't it make more sense to be proactive as a homeowner to install a back flow preventer to #1. Insure the water quality being drank from ones house is safe #2. No one wants to*

take the chance on drinking water that may have been cross contaminated with septic water. #3. Why chance being forced into a situation where your water system is chlorinated when it did not have to be. Kevin's final statement was that the King Ranch Homeowners Board has done everything in its power to ensure the safety of our drinking water supply and now each homeowner has to realize it is their responsibility to ensure a safe drinking water supply for all three communities.

A sheet of a variety of back flow preventers was passed around during the meeting. The back flow sheet is part of the June 19, 2023 minutes.

Rewrite of Existing Covenants:

Josh Hinrichs introduced this topic by stating at the 2019 King Ranch Homeowners Meeting the board submitted an updated Declaration of Covenants, Conditions and Restrictions to the members of the HOA. This updated covenant document was designed to eliminate covenants that were never followed, clarifications of existing old covenants, updates to house building requirements, to eliminate covenants which no longer applied to our HOA and included covenant additions to address problems that the old covenants did not deal with since 2000. The updated covenants were written in hope of clearer wording for a better understanding for each homeowner of the covenants. As Josh Hinrichs stated, "It is unfortunate but with COVID the rewrite and adoption of the new covenants just never happened." As an association we need to combine the existing covenants which consist of five separate documents including our By-Laws into one document. Josh Hinrichs noted that our attorney, Kevin Jones, saw nothing in our covenant rewrite that would make the covenants more restrictive. In conclusion Josh Hinrichs stated we would revisit this topic in our 2024 General Meeting.

Existing Covenant Violations:

Even with written notices from the board, oral notices from the board, neighbors talking to neighbors there are homeowners who choose to not follow some of the covenants. Josh Hinrichs noted that even if the problem was resolved; it was in most cases only temporary. Even with our HOA sending out letter notices, emails, reviewing the covenant violations in General Meetings, or explaining the problem in the HOA minutes asking all homeowners to comply with the covenants at issue... simply put... the homeowner or homeowners did not correct the violation or violations because there were no consequences.

Every homeowners association is different, the governing documents of most HOA's typically include: notification of a covenant violation, fines if not corrected, and then professional legal help with the aid of an attorney and the possibility of a decision made in a court of law.

As Josh Hinrichs explained, “Our HOA does have a means to resolve covenant violations!” Under our ARTICLE VII GENERAL PROVISIONS 1. **Enforcement.** *The association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this declaration. Failure by the Association or by an Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.*

Josh Hinrichs stated “This is not something the board has taken lightly and it is not something we want to do to our neighbors.... “. The board has made the decision covenant violations will be approached by correcting one or two covenants at a time. The HOA would start with trailers and inoperative vehicles. As an association we will notify homeowners of their violations. Give adequate time for the homeowner to correct the violation. If the covenant violation is not corrected then our HOA will turn the violation over to our attorney, Kevin Jones.

A sheet showing trailers was passed around to the people attending the meeting. Trailers which have not moved since April 14, 2023 to the day of the meeting on June 19, 2023.

The process for covenant violations will be the following: First step will be to notify the homeowner of the covenant violation with documentation by email. The email would state a reasonable amount of time to correct the violation. If the violation was not corrected within the stated time a second step would be taken to correct the covenant violation. The second step would be to send the homeowner a written letter once again stating the covenant violation and the amount of time to correct the covenant violation. Maria McLean asked the board if it would be in the associations best interest to sent the letter as a Certified letter. Josh Hinrichs agreed. If the violation was not corrected with the second HOA attempt with a certified letter the covenant violation would be turned over to our HOA attorney, Kevin Jones.

A question by Arlan Williams was, “What about toys such as boats and turn around for cleaning trailers?” It has been an unwritten policy of the HOA that during the summer months recreational items would be allowed in the owners driveway for ten (10) days as needed for repair, cleanup or other for summer enjoyment. Come Fall and Winter such items would be stored at an off site storage facility or inside the homeowners garage.

Josh Hinrichs said as an association we would start with **ARTICLE VI USE RESTRICTIONS** 3. Trailers. No trailer, trailer house, mobile home, truck (other than a pickup), camping trailer or boat/boat trailer or any inoperative or unsightly vehicle shall be parked and permitted to remain on property, unless properly screened from view.

This covenant as an association we want to address only once and hopefully not have to battle a second time.

Josh Hinrichs stated, “We are a golf course community and we need to step up our game as has the King Ranch Golf Course under it new owners.” Buz Blass stated, “Keep in mind that in the case of trailers, while homeowners break the covenant, it’s usually done without any malice... they are doing it because they do not want to pay storage fees. There are homeowners that follow the covenants and do the right thing and pay to have their work trailers and summer toys stored properly off property.”

Property Tax Rebate (House Bill 222 and 816):

Is a rebate for property taxes paid on a principal residence. Homeowners will need to apply for this rebate beginning August 15, 2023 by going online to getmyrebate.mt.gov or by paper using regular mail. All claims must be submitted by October 1, 2023. Beginning August 15, 2023 links will be added to **CONTACTS PAGE** at www.kingranchhoa.org website.

No New Business:

Meeting was adjourned at 7:22 PM.

The current Board members and their assigned terms:

Josh Hinrichs, Director of Phases I, II and III, President, 370-9343 (3 year Term to 2025)

Buz Blass, Director of Phases III, Vice-President, 240-1145 (3 year Term to 2025)

Brian Corson-Marquess, Director of Phase II, 544-7315 (3 year Term to 2025)

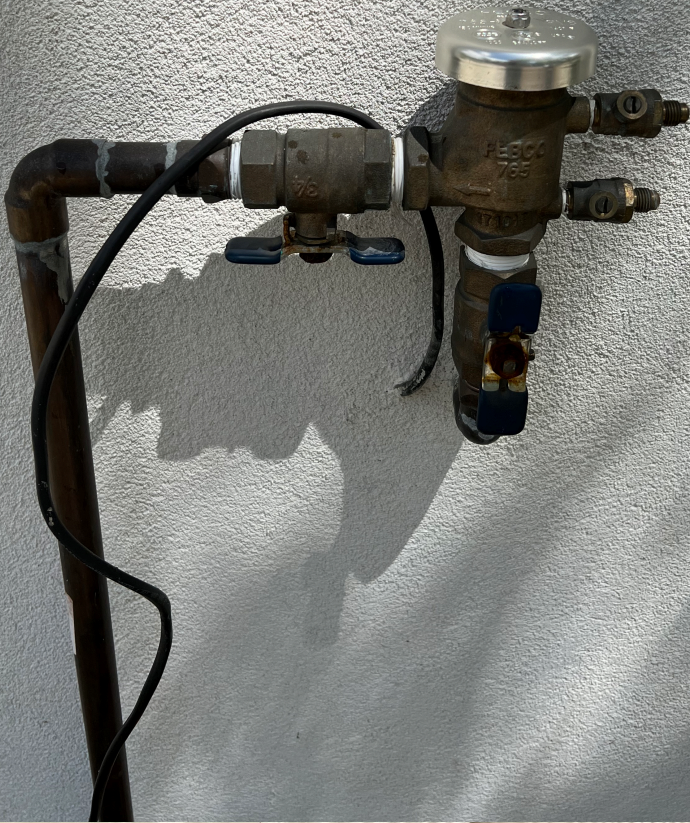
Marvin Stern, Director of Phase I, 626-1505 (3 year Term to 2025)

Craig Milam, Water Manager, Secretary and Web Site, 240-9345 (3 yr term 2025)

Michelle Milam, Treasurer, 240-9345 (3 yr term 2025)

***Meeting Minutes Prepared by Craig Milam, Secretary, for KRHA and reviewed by all current members of the board.

Back Flow Preventers





April 14, 2023



June 19, 2023



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