

## **2016 ANNUAL MEETING MINUTES**

### **Forster Woods Homeowners Association**

#### **Introduction:**

**Called to order at 5:10 PM**

- **A quorum was established and announced based on 69 owners present in person or via proxy (54 needed for 25% quorum requirement)**
- **Introductions: Board, Manager, Mark Rigos (North Bend Public Works Director), Greg Cromwell (FWHOA Attorney)**

#### **Approval of 2015 Annual Meeting Minutes – March 24, 2015:**

**Motion to approve minutes.**

- **Seconded.**
- **Minutes approved.**

#### **Update on Tree Project – Mark Rigos, North Bend Public Works Director**

**Trees and Sidewalk Damage: Mark discussed the following issues and Owners commented:**

- **Sidewalk upheaval from tree roots in Forster Woods is dangerous, resulting in trip hazards and unsightly aesthetics. 78 trees/sidewalk areas have these issues currently, but additional issues will appear elsewhere with other trees and sidewalk areas.**
- **The development has over 200 planter strip/sidewalk trees that will probably cause dangerous sidewalk issues in the near future and need to be removed, replaced and have the surrounding sidewalks restored.**
- **Mark discussed the complexity of the costs involved in this project.**
  - **The FWHOA is the only HOA in North Bend's city limits that has a planting strip with trees in a sidewalk area.**
- **Who has liability for damage and possible consequent injuries: the FWHOA, the Homeowners or the City of North Bend?**
- **Payment Options for Tree Replacement and Sidewalk Restoration:**
  - **The City of North Bend (proposed by Mark and the Mayor in an earlier city meeting)**
  - **Forster Woods Homeowners and the FWHOA (proposed by the City Attorney and City Manager (based on their position of the alleged lack of maintenance on the part of owners and the FWHOA))**
- **Owner John Skar stated that at the August 2014 meeting the city stated it was going take care of the tree and sidewalk issues and would give the HOA samples of appropriate trees to choose from. John also reiterated that when the development was built, the city made the developer plant trees in the sidewalk planting strip areas, and so the city had to have approved of the type of trees planted in the planter strip areas. Therefore, it is the city's responsibility to correct the damage and incur any related costs.**

- Mark referenced section 4.07.08 of the FWHOA Declaration which states, in part, that each owner is responsible for maintaining the planting strip along the right-of-way adjacent to each owner's lot.
- Mark feels that much has changed since the Association was established about 25 years ago, and he is willing to work with the Association to find a mutually acceptable solution to the problem.
- Greg indicated that what is in the plat could be important for determining who is responsible.
- Greg did not want to say too much in front of Mark because Mark represents the city in this matter.
- Owner Dan Ahner asked what happened to the priority of this matter since the August 2014 meeting when the FWHOA was told that tree replacement and sidewalk restoration in Forster Woods was a priority for the city and that the city was planning for this project?
- Owner Carol Whiteside said that the city said it would pay for this situation with the trees/sidewalks.
- Mark responded that the budget and timing of the budget process, along with many competing financial needs across the city, have competed with the timing of the city addressing the tree and sidewalk issues.
- Discussion occurred about the risk of liability if someone is injured due to sidewalk conditions. Due to the City's assumption of tree maintenance and sidewalk repairs since the inception of the Association, it is believed the City would be liable.
- Discussion occurred that if litigation was filed regarding a sidewalk injury, it is likely that all parties would be named as defendants.
- Owner Jonathan Pearlstein, an attorney, said that the city approved the type of the original trees, so the city is responsible for this situation.
- A member commented, and many members agreed, that the city has regularly trimmed and maintained the trees between the sidewalk and the street for years and that the city has even removed trees recently without any advanced notice. The City has also for years undertaken the duty to repair the sidewalks. Therefore, through this continual maintenance, the city has assumed responsibility for the trees and any damage they cause to the sidewalks.
- Greg recommended that he assist with writing a letter to the City Council of North Bend to explain the tree and sidewalk issues, the position of the HOA, and to request a meeting between the Board and city officials to discuss and seek a mutually acceptable solution.
- The owners and Board concurred with Greg's suggestion.
- An owner asked to be informed if any city council members oppose the city paying for a remedy to the tree and sidewalk situation.
- Owners requested to know the council members position(s) on resolving this issue.
- The Board suggested that owners call individual City Council members on these issues.

**Update on Detention Ponds – Mark Rigos, North Bend Public Works Director**  
**Detention Ponds: Mark described the problem:**

- **The Lower pond at the entry intersection experienced a failure as the result of very heavy rains and the diversion of the adjacent creek directly into the pond on December 8, 2015.**
- **A home across the street was sandbagged by the city to prevent water damage from the overflowing detention pond.**
- **The two ponds were designed according to the 1991 storm water code. There have been five code upgrades since the design of FWHOA ponds. If the detention ponds were designed today, they would be ten times larger. It is not feasible to increase the current design without removing up to six homes along SW 10<sup>th</sup> St. The current ponds are grandfathered because they met code in 1979.**
- **In 2014, the HOA was preparing to budget for removal of any sludge in the ponds when Mark told our property manager who thereafter informed the Board that the city was responsible for the ponds. Thus, the HOA did not budget for a cleanout. Much later, Mark discovered the city did not own and maintain the ponds.**
- **Detention ponds are typically owned by the city. The FWHOA is the only HOA in North Bend where the ponds are not owned and maintained by the city. The City of North Bend maintains the detention ponds for all other developments within city boundaries.**
- **Board committed to the owners to accomplish:**
  - **Meet with Greg to fashion a letter to the City of North Bend about the detention ponds and the needed work to make the ponds as safe as possible.**
  - **Letter will request explicit requirements from the city that the FWHOA must complete in order for the detention ponds to be accepted as owned and managed by the city going forward.**
  - **The City Council position will be shared with the owners.**
- **Mark indicated that there are two platted access roads/easements, one to each pond, which have become overgrown and/or encroached upon by owners with yards, yard fixtures and fences.**
- **The owners agreed that this situation regarding access road encroachments must be rectified as soon as possible.**
- **Greg will research and assist the Board in drafting a letter to each of the relevant owners across whose properties the easements exist and submit the letters to the Board for review and approval. Greg indicated that the initial letter on this issue should come from the Board.**
- **Mark will provide the Board with a list of exactly what has to be done to bring the ponds up to as a good condition as possible before asking the city to assume control and maintenance of the detention ponds.**
- **A homeowner indicated that he calls the HOA every January about the ponds not being cleaned out. He stated that removing the vegetation along the banks does not clean out the ponds.**
- **The HOA removes the vegetation along the banks of the detention ponds each winter to prevent bank vegetation from entering the water. The city has indicated we cannot go into the water during this removal process.**

- Several homeowners asked the Board to seek city ownership and maintenance of the detention ponds.
  - An owner made a motion to have the FWHOA attorney draft two letters about the sidewalks/trees and the detention ponds.
  - Motion seconded.
  - A discussion ensued about how to craft such a letter.
  - Owner/attorney suggested two letters - one about the trees/sidewalks and one about the detention ponds, both to be sent to the city as soon as possible. Greg will discuss his thoughts with the Board.
  - The Motion passed unanimously.
  - Facebook, website and email will be used to communicate with owners about these two matters. Facebook is not the official mode of FWHOA communication. The HOA website (FWHOA.COM) fulfills this purpose.
  - Owners asked to see a copy of the final letters sent to the city. Copies will be posted on the FWHOA website.
  - Owner David Hamilton inquired if the Board is curbing spending as much as possible to avoid having to add any special assessments?
  - Jason Gram, President, responded that all non-safety related items from the reserve study will be delayed in favor of saving as much money as possible. He indicated the importance of safety related items.
  - Dan Ahner asked that the two bridges be inspected for safety because they are listed on the Reserve Study as needing attention. The HOA is planning to do so.
  - An owner asked if the HOA had to pay prevailing wages if the HOA does much of the tree/sidewalk and pond work (instead of the City, which, under law has to pay prevailing wages if it undertakes the work).
  - Greg indicated that he did not know the answer to the question because that subject is out of his area of expertise (laws governing City requirements regarding level of pay for workers). The HOA could save money if an agreement is reached with the city.
  - An owner asked if the trees had any value for sale.
  - Greg said that the idea might be worth looking into, but doubted there would be much value.
- **Election of One Board Position**
    - Bill Stovall has been serving the last year of Cory Reynold's term. Cory moved out of the HOA.
    - Bill agreed to seek a full term.
    - No other nominations.
    - Bill was unanimously elected to a full three year term.
- **Other Business**
    - Minutes will be posted on the FWHOA website. FWHOA.com
    - Owners advised to view the FWHOA website for HOA information.
    - Financial information will be posted on the website.
    - A discussion ensued about the adoption of a rule establishing a fine for owners who do not inform the HOA of the rental of their home and/or do not forward

**owner contact information including addresses, emails and telephone numbers. The Board will consider this matter.**

- **An Owner/attorney inquired about the rule addressing no businesses to be conducted out of any home in the HOA, stating that some owners do conduct home businesses. The Board will consider this matter.**
- **A discussion ensued about adopting a rule dealing with home businesses and telecommuting. The Board will consider this matter.**

**The meeting adjourned at 7:05 PM.**