

## **Special SCHOA Board Meeting Minutes**

March 10, 2025 | 6:00PM | Zoom

**Board Attendees:** Doug Berard - President, Bill Dubiel - Vice President, Dawn Backmann - Treasurer, Janie Crane - Secretary, Bob Rosain - Architecture Chair, Liana Yelle - Landscape Chair,

**HOA member attendees:** Paul Allen, Kim and Jeff Graf

### **The meeting was called to order at 6:05 PM.**

Doug acknowledged that Special Meeting Protocol per HOA policy was not followed due to the urgent nature of the matter. The meeting is to discuss the encroachment and damage on HOA property on Tract B by Gary Culbertson.

Doug opened the floor for comment on the current state of the encroachment on Tract B.

The board shared progression of the damage and encroachment that had taken place during the week prior to the meeting. This included the removal of several trees, the storage of a trailer and ATV, and the piling of debris and timber beams on Tract B. Pictures taken on Monday, March 10 were provided by several board members and neighbors to aid the discussion. Pictures are included in Appendix A of these minutes.

### **Property Lines and Encroachment Area Determination**

A survey of the property boundary has been conducted by Dale Herringstad, confirming that Culbertson has encroached on HOA land, with the official report expected on Monday, March 17. The board expressed concern that Culbertson may have proceeded with demolition and construction without proper permits or notification to the HOA. It was decided to cease direct communication with Culbertson and explore legal and non-legal options once the official survey report is in hand.

Doug asked if trees that were taken down by Culbertson were on HOA property. Liana confirmed, yes.

### **Property Damage Assessment and Compensation**

The board discussed the need to understand the extent of damages to the property and potential compensation for its clean up and restoration. Doug suggested reaching out to the city to clarify their role and responsibilities. Bill emphasized the importance of determining the harm to the property. The board agreed to focus on fact-finding and cost estimation. The next steps involve getting bids for potential clean up and landscaping. There is consensus that a fence should be

installed to prevent future encroachment, whether that be part of the restoration of Tract B or a future project within the SCHOA strategic plan.

It was further discussed whether to ask the Culbertsons to clean up the debris himself or pay for professional cleanup. It was decided to get more information about costs of clean up and restoration work, in addition to legal advice before deciding the next appropriate action.

### **Consulting Lawyer Before Approaching Culbertson**

Doug expressed concerns about approaching Culbertson directly without legal consultation. He suggested drafting a letter from a lawyer outlining the costs of cleanup and restoration, and letting Culbertson respond. Paul suggested sending a demand letter first, but Doug and Dawn preferred a lawyer's guidance to avoid unintended consequences. The board agreed to consult a lawyer before deciding on a course of action.

The board unanimously agreed to allocate funds for legal consultation to determine the best course of action.

### **Addressing Buffer Zone Damage Urgently**

Doug requested that the board cease communication with Culbertson until guidance on next steps has been received. He also asked that the board help assure residents that swift action is being taken, but to not share specifics until a formalized plan has been determined.

Doug adjourned the meeting at 7:20 PM.

### **ACTION ITEMS**

- Doug Berard
  - to reach out to Belcher Swanson law firm for legal consultation regarding the property issue.
  - to follow up with Sherry Gleichmann at the city regarding permits and the city's stance on the situation.
  - to be the point of contact for inquiries about the situation.
- Dawn Bachman
  - to draft a communication to Sunset Cove residents via Mailchimp about the board's awareness and action on the situation.
  - to work with Doug on communication with Belcher Swanson.
- Liana Yelle
  - to form a subcommittee with Paul, Kim, and other volunteers to determine cleanup, restoration, and fencing costs.
  - to circulate the official survey report to the board members, Kim, and Paul when available.

**Prepared by:** Janie Crane, Secretary, March 16, 2025

**Approved by:** the Sunset Cove HOA Board via email 03/23/2025

### **APPENDIX A**

Photos submitted by various neighbors. These and more are saved in SCHOA repository.

