

MBR Board Meeting October 2022

Tuesday, October 25, 2022 11:17 AM

Friday, October 21, 2022

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 five minutes; and
- Board members five minutes.
- Everyone: please be succinct and efficient with our time.

1. Meeting Commencement. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, it was resolved that MBR October 2022 board meeting commences at 7:04
2. Those Present
 - a. For the Board: Rheannon, dshell, Jen, Steve, Ben, Brad, Rob (few mins late), Arnost (20 mins late)
 - b. For membership: Dave Clements, Nozhat Rahimi, Susan Campbell
 - c. For Staff: none (Laura OOF)
3. "In-Person" Member Questions (2 min. time limit plus 3 min. back and forth)
 - a. [18028] How is the pool temp going to be kept at 82F. Wants MBR to install a back-up heater. Believes we need to get a better thermometer in pool. Oy F Vey.
 - a. Jen: adds that she is looking into a new faster backup heater.
 - b. [12031/32?] Claims she has submitted everything but doesn't have a permit yet. Rheannon reminds member that she emailed her, but member has not answered board emails. I cut her off after she went on and on about MBR taking a long time. She has been difficult; non-responsive; and has sucked an enormous amount of board and staff time due to not responding to queries and not following our processes and rules.
4. Consent Agenda Items
 - a. Approval of Minutes:
 - a. September, 2022, [here](#).
 - b. Financials: [Review Items - Default \(sharepoint.com\)](#) -
 - c. Flamethrower and Christmas decorations are 19038
 - b. Legal
 - a. MBR needs rules on dealing with Solar Panels. Solar panels may be mounted under the following conditions.
 - i. The visibility of any part of a roof-mounted solar energy panel above the roofline is prohibited;
 - ii. The attachment of a solar energy panel to the slope of a roof facing a street is prohibited unless:
 - 1) The solar energy panel conforms to the slope of the roof; and
 - 2) The top edge of the solar energy panel is parallel to the roof ridge; and
 - 3) A solar energy panel frame, a support bracket, or any visible piping or wiring must be painted to coordinate with the roofing material;
 - iii. Any ground mounted Solar energy panels installed would count towards impervious surfaces limitations and any other County and/or MBRCC restrictions or limitations.
 - b. Proposed Rule Changes
 - i. **New Rule**
 - 1) **REGISTRATION OF VENDORS: This closes a loophole in our rules for**

unrecorded parties on Rim property when members are not present and gives us better control for tracking of vehicles and illegal dumpers

- a) Any person hired or employed by an MBRCC member for the purposes of this section is considered to be a Vendor. Vendors are present at MBRCC at the behest of the of the member and the member is responsible for any violation of MBRCC covenants, rules, property standards or bylaws by the Vendor.
 - b) Unregistered Vendors are those that have not recorded their business with MBRCC and have not been issued a key card.
 - c) Unless the member is present at their property at the same time as the Vendor, it is the members responsibility to register any Unregistered Vendors license plate number with MBRCC at or before the time of the Vendors arrival if the vendors vehicle lacks markings identifying the business.
 - d) Vendors may not use members key cards but should register and apply for cards through MBRCC.
 - e) Any Unregistered Vendor or Vendor that fails to property display identifying information on the vehicle while working for an MBRCC member will subject the member to a possible fine.
- ii. **Revised Rental Rule and Bylaw: This removes some rather odd language and makes the language consistent with County Code and the Covenant. It Replace the word “residential” with the word “dwelling” to be consistent with the language in the Covenants. If passed, make the language change in the rule as well.**
- 1) Remove old paragraph language
 - 2) You must own your residence for one year before renting. If an owner who lives in their MBR home full time has a serious and severe medical hardship reason for the need of the rental, such as a death in the immediate family, or a family on hospice far away that require them to move and they would be using a long term renter ONLY, and prior to doing so asks the board’s permission.
 - 3) Insert Revised:
 - a) You must own your occupiable dwelling unit for one year before renting.
- c. **Bylaw revision for 2023**
- i. **Change the word “residential” to “dwelling” as used in the Covenants**
 - 1) For reference: “Dwelling unit” means a single residential structure providing complete independent living facilities for one or more persons, including permanent provisions and fixtures for living, sleeping, eating and sanitation. (Ord. 2006-061 § 1 (Att. A)(6), 2006; Ord. 87-12, 1987; Ord. 87-11, 198
- c. G&M
- a. Finalizing items for the lease for Ken and Yvette in the gatehouse
 - b. Gathering bids for clubhouse work to present project plan options
 - c. Have bids for lower section of the southeast end of Shuksan Rim Drive culvert replacement
 - d. Maintenance will buy 2 plow blades, full sets of chains for dual tires on plow truck, and ensure we have enough sand for roads.
 - e. Maintenance will consider salting the lower steeply graded hill on the southeast end of Shuksan Rim Drive should we experience snow accumulation this season. (Ed note: this is the steepest hill in the Rim and the one on which cars regularly wreck in the winter; there is a kettle hole above ten feet deep at the end of Shuksan, into which the very unlucky cars end up.)
 - f. Amending the required MBR construction property standards form.
 - g. The pool heat pump has been winterized and will remain outside for season.
 - h. Getting estimates for a 3 phase commercial generator for the clubhouse.

- i. Working with Ken and Ed to confirm and finalize completion of the install of the Pool Salt System. Waiting on parts from Ed. Payment has been held until completion.
- j. Tractor repairs done; cost was \$3200. (Invoice attached; intent is to pay, unless someone moves this off the consent agenda.)



- i. brim
invoice 10...
- k.
- d. Secretary: n/a
- e. Violations
 - a. Appeals:
 - i. 18005 MOVED OFF CA. 18005 appeal to be discussed; off Consent Agenda.
 - ii. 14031 appeal rejected; repeated claim that the MBR registration Web site is down; appears that member was using incorrect link. (Ed note: Web site URL has been constant since inception.)
 - iii. 19038 intends to appeal burn ban notice
 - iv. *Temporary parking of RV: Current setup is untenable.
 - 1) 17017 notice sent of 7 day allowance, warning letter to follow 9/21/22
 - 2) 18013 need to send 7day warning?
 - b. New warnings and next steps
 - i. *11030 noise violation - need to send (prepped pending meeting)
 - ii. *11027 noise violation - need to send (prepped pending meeting)
 - iii. 21004 noise warning - no next step
 - iv. *17044 snowmobiles in driveway (not confirmed, warning not sent – will confirm 10/21)
 - v. *12005 snowmobile in driveway (since snowmobile allowed period is about to begin, discussed with 12005 on 10/21 in person, that snow mobiles onsite the day after warning will indicate immediate violation when winter season esnow mobile allowed period is over will result in immediate fine.)
 - c. Active / Newly Issued
 - i. Tree pulled (Ben to provide photos, 110XX)
 - ii. 19038 Burn Ban issued \$500 (intends to appeal)
 - iii. 13022 Burn Ban issued \$500 (no response)
 - iv. 18005 Setback violation active until Ben says otherwise
 - d. Resolved since last meeting:
 - i. 12005 Snowmobiles stored improperly, remedied before fine sent
 - e.
 - f. Property Standards - Below are Ben's notes, very vague, from the last meeting until now. Items with a (*) I plan to touch on and hope to poll the group on a few things related to each (Ed note: items with Asterix have been moved off Consent Agenda to discussion agenda). Otherwise the rest is my consent agenda. Please let me know if there are any items anyone would like me to elaborate on.
 - a. 11044- Tree removal approved
 - b. 11078- Deck approved, completed and deposit verified for return
 - c. 11092- tree removal approved
 - d. 11097- Fence approved
 - e. 11104- tree removal approved
 - f. 12031- still no approval, reviewing documents, fines continue to accrue
 - g. 14002- Construction approved, in process
 - h. 14004- new build in process

- i. 16003- tree approved
- j. 18005- Stairs within 5' setback, no permission granted, fines continue to accrue
- k. 19005- tree approved for removal
- l. 19012- waiting on cleanup for deposit return

*** END OF CONSENT AGENDA ***

CONSENT AGENDA GOOD/APPROVED

5. New and Continuing Business

- a. Secretary - nada
- b. Treasurer - financials are good.
 - a. Two-year CD maturing shortly. First Fed..... We need to figure out rollover. 12 month for 2.75. 25 month for 3.25%. Suggests roll \$100K into 12 months. Rob to advise.
 - b. Larson Gross has dropped us as a client. Sigh. Rob will find us a new accountancy.
- c. President -
 - a. [19036] asked about brush growing on levy. Rim is required to keep levy clean. However, riparian habitat needs to be left absolutely alone.
 - b. Renting accessory units question. Whatcom allows a rented accessory unit only with an owner occupied house. There might be members who are renting main homes and also renting accessory units, which is not allowed (a) cuz Whatcom does not allow it and (b) an owner can only rent one property in MBR. **Need to check (b)?**
 - c. Steve will research registration for new owner.... Full year and not prorating dues to Rim; IOW, if you buy into the Rim, you owe a full year worth of dues on Day 1.
 - d. CM position - we got a bunch of applications, but nothing yet.
 - e. Laborer - most people who said interested have flaked out. One guy seems good, Rheannon will interview on Monday.
- d. G&M
 - a. Replace culvert on Shuksan Rim Drive. Has two bids (emailed immediately before meeting). Both bids local. One \$8K (including asphalt work) and \$4K deposit, plus \$4K to complete; second Evergreen (Sean) \$4.2K for excavation, replacement and crushed rock. Perhaps have this done by email. Vote, no objections, to approve up to \$6.5K for smaller bid with asphalt (Iron Clad bid). Evergreen was \$8K
 - b. Speed bump - let's just stick with removal speed bumps. But she will check with asphalt people on cost to install permanent bumps.
 - c. Waiting on plumber to review and provide submission for clubhouse. Plumber was hunting and got behind. Brad suggests approving an up to amount without having a bid. Rheannon and I both say we want to see bids before voting on dollars.
 - d. Lots of nebulous discussion on what we might do, how do we deal, etc. Nebulous time wasting.
 - e. Salt system in pool is not operable. Some parts are missing. Ed is waiting for parts to come in. Jen is checking on where this is at. Will follow-up with Ed.
 - f. Ken has said we need to resurface pool. Someone needs to check on what is going on, particularly how much water we are using. Jen needs to check.
 - g. [12031/32] - interjects out of turn and asks when are we paving a cul-de-sac in front of her two lots. Discussion moves back to what we were discussing.
- e. Property Standards
 - a. *12036- request for deposit back is denied pending wood cleanup and scaffolding removal. Tree work not complete and construction material is still on site. We are not releasing deposit until they are done.
 - b. *14056- Solar install. See Steve's proposed language changes.

- c. *19052 - variance request for woodshed. Owner said they would be present at meeting to discuss, but didn't show up. Since member didn't show at meeting, Ben will drive issue over email.
- d. *19059 - Tree approval granted on MBR lot. Trees are on 19060 which is MBR lot; 19059 will pay cost.
- e. Legal & Insurance
 - i. Owner who is in arrears on dues. Tax sale, bad buy. Years behind on taxes, water, dues. 17032 probably
 - ii. RV rule -
 - 1) Currently a bit unclear.
 - 2) Still the way written, people can move RV for a day, and then put back.
 - 3) Two issues -
 - a) Need to track vehicles
 - b) People sleeping/living in vehicles
 - c) All vehicles entering the Rim need to be registered
 - d) What counts as a motor home or recreational vehicle? Not VWs/Sprinters.
 - iii. Fine for non-registered non-family member/guests - mirror existing unregistered guests. Basically, members should no hand out a key card to unregistered people (vendors or guests), as it impairs our ability to keep the Rim safe. Therefore, all guests should be registered. Community safety issue and being able to identify cars and people. Vendor fines should just parallel other non-registered guests.
 - iv.
 - v. (20:37) long discussion about registering guests (not just renters, which is already required).
 - vi. Think about document submittal or resubmission fees. Charge fees for resubmissions. Something to think about for future.
 - vii. Rheannon asks if Steve has emailed 17032 about our not buying their essentially zero value lot that is in arrears. Steve says member doesn't do email. Steve will address.
- f. Back to Jen and wheels and chains for truck. Can we increase budget from \$3,500 (from last month's discussion) to \$5,000.... UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS, a budget was created w/ pre-approval to spend for \$5,000 to purchase new wheels and a set of chains for the plow truck.

g.

f. Violations:

a. Appeals

- i. 18005 - basically, construction deposit requested returned and received by member. Member then commenced new work, installed stairs. Is this "new" work or continuation work? It is new work. She claims septic is not in 25' setback... it sounds like septic is in setback, which should in itself require a variance. Therefore, even if building stairs was after completion, due to it impinging into setback it would require a variance. But if septic is already needing a variance, then they've used up their single possible variance. She wants leeway. **[Ben/Steve, please check.]**
- ii. [14031] (also, see above.) Appeal about prior appeal: someone vocal, says the website to register is down, but they were using wrong URL. They already appealed, board already decided. (This
- iii. Noise violations - Brad working on these.
- iv. UPON A MOTION DULY MADE, SECONDED AND CARRIED WITH NO OBJECTIONS,
 - 1) Allowed Times for Intrusive Noise are changed from 8am to 5pm weekdays to 8:00am - 6:30pm.
 - 2) Weekends / holidays to remain the same.
- v. **Steve will write up language allowing backup generators.**

- vi. [12005] (also, see above.) Snow mobiles are sitting on site before date when they are allowed. Since allowed period begins in nine days; we will say any remaining on May-1 (after allowed period) will immediately be fined. IOW, they need to remove them at the end of allowed period.
- vii. [11027] -
 - 1) Multiple sheds, likely within 5' of each other. Are these permitted ?
 - 2) Equipment all over the place.
- viii. Wants to make a report for membership on fines and why we fine.... Like a part of Baker Bits. Emphasis being that rules and fining are to keep the look and feel of the place and enhance property values. Not let MBR turn into Peaceful Valley.
- ix. Wants to get into strategic planning - propose we spend 10-20 mins on a long-term topic. Rotating topics. Define board rules. Rheannon adds that budget discussion starts in January board meeting.

g. Member at large

- a. Generator for clubhouse - Jen is working on this. This is to keep Pool/heat pump from freezing.

h. Member relations - dawn, awol.

- 6. Other
- 7. Date of Next BOD Meeting: Nov-18-2022
- 8. Out of exec session @ 22:21
- 9. Adjournment @ 22:22