



**Canyon Lakes Property Owners Association
Board Meeting
September 10, 2024**

The meeting was called to order at 6:30 p.m. by Emma Mercado at the Mid-Columbia Library, Kennewick Branch.

Amberlee Moore took roll call.

Attendance: Emma Mercado, Amberlee Moore, Chris Winkley, Paul Roberts, Rick Burr, Patty Kopp, Reid Klei, Karla Palmer, Scott Snyder, Alicia Mercado, Chris Laurion, Devin Lundstrom, Anne Eerkes.

Not in Attendance: Jack Lynch

Chris Winkley asked that the open action items for review be added to the agenda. Patty Kopp asked for clarification from Chris Winkley that he is asking that those be covered on the agenda tonight. Chris Winkley stated that they needed to be covered so the Board knows what has been accomplished since the last meeting. Patty Kopp also asked if there would be an update to legal issues. Emma Mercado stated that the Board would discuss the legal issues in an executive session.

Presidents Report: A report was submitted. Chris Laurion stated he wanted to be sure that The Board is referring to the "Daycare" business as a "Daycare" and not a babysitter. This is a state funded Daycare business running without POA approval.

Treasurer Report: A report was submitted. Paul Roberts asked about the budget line item "50400", "50200", and "7019" look to be in sub accounts, and there are some duplicate accounts. Devin Lundstrom explained that there are some accounts in Excel that have been set up automatically that accrue each month and need to be edited. Chris Laurion stated that he and Devin will continue working on the accounts within Excel and will also be working with our accountant to get the expense line items and categories current. There will be time set aside before the end of the year to get this accomplished. Chris Laurion made a motion to approve the financials and Patty Kopp seconded the motion. (12) approved, (0) opposed, (0) abstained.

Secretary Report: A report was submitted. Chris Laurion asked Amber Moore if there was an update on Officer Trujillo. Chris Laurion asked are we having him attend a meeting or are we just submitting him questions? Amber stated that she would put a list of questions together for Officer Trujillo and submit those to him for review. Chris Laurion thanked Amber for her work on this.

ARC Report: A report was submitted and there was no discussion.

Communications Report: Anne Eerkes asked Devin Lundstrom when the newsletter was going to be sent out? Devin Lundstrom updated and let the Board know that the newsletter is printed and mailed out by the printing company and they should be arriving in the mail to homeowners this week.

CCR Report: A report was submitted. There was no discussion.

Landscaping Report: Patty Kopp stated that she received an update with the City of Kennewick. Patty mailed a letter back in June regarding all the weeds on Hildebrand Street to Canyon Lakes Drive, and she discovered that her letter was never received. After many attempts to get the name of the individual in charge of Code Enforcement, (Jeni Ginder), eventually she and Patty emailed back and forth. Enforcement has sent a letter to the owner of the dam area on Hildebrand Street to Union. They have 20 days to comply. If there is no compliance, they are sent 2 more letters; after which the attorney is contacted and they will be taken to civil court. The code Enforcement office is complaint-based, requiring an address and a picture or documentation in order to get results. Now we know! Patty stopped and spoke to the Marketing Manager of the lot next to Riverwalk Estates. They walked out to the location, and Patty showed him her concerns. He stated that they had a crew coming out on Thursday, which would be removing the garbage, leveling the lot, and then hydroseeding.

Long-Range Planning: A report was submitted and there was no discussion.

Manager's Report: A report was submitted and there was no discussion.

Meeting: Action items update.

Emma Mercado stated she had given the quotes and bid from KBG to Jack Lynch and had not heard from him. Devin Lundstrom said that Jack did call her last week to give her an update, that he would not be attending the meeting due to a prior engagement. He had reached out to Padilla Construction regarding the masonry fence. Jack was planning to meet with Padilla and Todd Sprong. Karla Palmer mentioned that she had also reached out to Jack and that he told her he was planning to meet with Padilla Construction and Todd Sprong and that she would also be attending that meeting.

Patty Kopp had the "no trespassing" sign installed near the gate on 27th Ave.

Rick Burr cleaned up the bricks from the masonry fence at Volunteer Park. He has the bricks in his garage and will meet with Devin this month to place in the storage unit. Devin Lundstrom will send Rick the contact information of the homeowner that lives in #9, and Rick will go pick up those bricks as well from the homeowner.

Devin Lundstrom posted the City of Kennewick link for filing a complaint on the website and also had the link posted in the newsletter that is going out to homeowners this week.

Devin Lundstrom and Chris Laurion are still working on updating the budget spreadsheet.

Devin Lundstrom obtained the information for the asphalt aprons off of Canyon Lakes Drive. The property owner is Henderson Companies, LLC and they are located in Tacoma, WA.

Chris Winkley asked where the original copies of the homeowner survey were located. Anne Eerkes stated that she scanned them to a thumb drive and gave the thumb drive and the originals to Devin to keep in a file. Chris Winkley was interested in obtaining a copy of the file and Devin Lundstrom stated she would email the file to the Board.

Chris Laurion was able to email the Rules & Regulations revisions to the Board for review and approval. Devin Lundstrom emailed the contact information for Padilla Construction to Karla Palmer.

Devin Lundstrom contacted the family of Jerry Martin and let them know that the Board had agreed to have a plaque made with Jerry's name on it for the gazebo. Amber Moore said that there was already a name plaque on the gazebo recognizing the Martin family. Amber thought she had previously taken a photo of it, but did not remember it being a very large plaque. Devin stated that she would take a photo and send to the Board for their input. The Board can then decide if they would like to replace it with a larger plaque.

Scott Snyder stated that Karla Palmer did reach out to him regarding the CC&R document revision. Scott asked the Board who would like to be part of that group? Amber Moore stated she wanted to be included in the revisions as she has been the one working on the document for the last year. Karla Palmer also stated she would like to be a part of that group. Chris Winkley expects to see redlines to the version of the CC&R document that was put on the 2024 ballot. Scott said that Chris Laurion had already put together a redline version and they would start with looking at that document. Amber mentioned that she had also made a list of the revisions as well. Scott explained to the Board that there had been a lot of state changes with the rules and regulations. Scott Snyder made mention that he feels like this is something that will take the next year to complete. Amber Moore stated she would like to see that the document is revised and given to homeowners with a deadline to make edits. If we do not set a deadline, then this document will not be brought for revision until 2025 and we will still be in the same position we are in now. Scott Snyder, Amber Moore, Karla Palmer, Jack Lynch, and volunteer homeowner Patricia Irving will have a meeting to start the revision of the CCR process.

Emma Mercado brought up lot clean-up, and having the Board clean-up a homeowner's property and then send them the bill. Devin Lundstrom stated that it was a homeowner's hedge that the Board had cleaned up last year and sent the bill to. Karla Palmer asked if that bill got paid and Devin said she was not sure, but the homeowner was sent the bill. She also asked how the process went and Devin stated the homeowner was not home at the time. Devin mentioned there is also the concern also for the safety of the person who gets sent to clean up the lot. Chris Laurion said the root of the problem is finding out if the Board has the legal authority to do this. Scott Snyder said the Board does have the right to set rules. There has to be rule in place in order for the Board to enforce it. Amber Moore asked if there is an actual process that needs to be followed. Chris Laurion said that he needs more time to find out the legal authority the Board has on this. Chris Winkley read aloud Section 11 of the November 8, 2022 Rules and Regulations regarding lot upkeep. "All lots and improvements shall be kept in a clean, attractive, safe, and sanitary condition. No lot shall be allowed to become overgrown or unkempt to create a visual nuisance or safety hazard or become unsanitary. If CLPOA takes any enforcement action arising from a violation of the Rules and Regulations, the individual(s) shall be liable for all expenses incurred by CLPOA as a result of the violation and any enforcement action". Amber asked if the notice to homeowner needed to be sent certified mail. Devin Lundstrom stated that anything sent to homeowner with legal ramifications needs to be sent certified. Chris Laurion reiterated that we have the rules in

place but he would still like to know what legal authority the Board has. Chris Winkley said he thinks the Board is getting stuck on the Washington law versus the Rules and Regulations of the Board. Chris Laurion said what the Board "wants" to do and what the Board "can" do are two different things. Chris Laurion wants to be sure that we are enforcing the violations fairly and equally. Devin mentioned there is an email that is sent numerous times a week from an anonymous sender and you cannot reply back to the email. Karla Palmer said that we should not have to reply back if someone does not want to state who they are. This topic will remain an action item for Chris Laurion to report back to the Board at the October meeting.

Chris Laurion made a motion to approve the Rules & Regulations, draft #8 as submitted, Chris Winkley seconded the motion. (11) approved, (0) opposed, (1) abstained.

Emma Mercado said that she still had not completed the manager's review. Chris Laurion and Emma Mercado still need to meet to discuss the budget. They have set a meeting for Saturday, September 14th.

Alicia Mercado mentioned when she did her drive, she found there are three arborvitaes that are blocking a set of mailboxes. The home where the arborvitaes are seems to be vacant so Alicia asked who was responsible. Devin Lundstrom explained that the homeowner is responsible until the home sells. Devin also said she has contacted the realtor on a listing before to get a notice to the homeowner regarding violations while the home is for sale. Unfortunately, the office does not have contact information for every homeowner. Amber stated last year when the CC&Rs went out to homeowners it was a nightmare. Homeowners were upset with certain verbiage and it blew up on Facebook and at the annual meeting. Nothing was passed, and there was no resolution. Amber said that she worked hard on the revisions last year, alongside the attorney, and Devin Lundstrom and Mary Kay Edwards. Amber feels her hands are tied and would like the Board to be supportive of the CC&Rs. There was money and time spent with attorney and then there continues to be legal questions regarding what authority the Board has. Amber stated it's frustrating and she does not understand why we keep going over the issue.

Chris Winkley stated that there was a lot of misinformation. The documents state that property and lot are the same thing. Last year someone in the community made an assumption that the Board would go and enter someone's house. That is not the case and that is not what the document says. In the past some Board members felt comfortable knocking on doors of homeowners and visiting with them regarding ARC and CCR issues. Chris Winkley stated he has no desire to go to a homeowner's property.

Patty Kopp asked if she could comment on item #4 in the Rules and Regulations regarding rentals and VRBO's. What do other property managements or HOA's do on this? Have we gathered any information on what our legal authority is? Scott Snyder said he has done a lot of research on this subject and he did not find that many HOA's had any success on the matter. He did not see any lawsuits that were in the favor of the HOA's. This information is what he found when researching case laws. Patty Kopp stated that she talked to the planning department at the city. If an owner that is renting out their property is making \$12,000 or more a year on rentals, they are required to obtain a business license. Amber Moore stated there is no way to track this. Emma Mercado stated the Board does not have the manpower to monitor 980 homeowners. Devin Lundstrom stated that when owners move out and rent their home, she is not always notified by the homeowner if they are using the home as a long- or short-term rental. Patty Kopp said that the Villas does not allow rentals but they are small enough that they are able to

monitor that. Scott Snyder said we could pursue something like charging \$100 for short term rentals. Maybe that would discourage homeowners.

Chris Winkley wanted to know what the Communications and LRP committees are going to do with the data results from the homeowner survey. Chris Laurion stated nothing was rated over a 2.5 or 3.0. The LRP committee looked it over and there does not seem to be anything urgent at this time. Chris Laurion said that the LRP was going to look at completing some projects that were not completed, such as replacing mailboxes and installing solar lights on mailboxes. Chris Winkley stated that Vandalism and Crime went to the top of fives. He thinks that the averages are pointless. There seemed to be some heavy hitters with the crime and vandalism. Chris Laurion stated that there were just as many zeros to counter act those that were rated fives. So based on the meeting with LRP there was not anything on fire that needed acted on at this time. Chris Winkley said ranking is when you force people to say what their number one issue is, and we did not ask the homeowners to do that. Chris Winkley said he will try to let this go as he does not agree. He wanted to be clear that what he was suggesting in the agenda was to know where the Board is going. If LRP is planning on finishing up the mailbox projects then they should proceed. He does know that Dave Ottley prepared a report of all mailboxes and the dates they were installed, when they need replaced, etc. Devin Lundstrom confirmed she does have that list. Amber Moore has the report from Mitch Marrott.

Reid Klei asked what will happen with the money that LRP does not spend this year. Chris Laurion stated he thinks it will go into the reserve account at the end of the year.

Patty Kopp talked to land enforcement officer about the Williams St. property and has sent the land owner a letter. The owner is out of Spokane and the company is dissolving the LLC. Patty said we don't know where this is going to go but the city is going to be following up on it. In talking with the marketing manager from Riverwalk Estates they discussed how the property along Hildebrand would be unsightly for their residents as well as people driving by. Patty said that she thinks if the CLPOA did end up acquiring that piece of land that she thinks we will have some leeway with Riverwalk Estates. Patty obtained a bid from Arias to have the area dug out several inches down and covered with fabric (weed blanket) and rock. The bid came in, and the landscaping committee will discuss and present it to the Board at a future meeting. Amber Moore suggested that we just cement the area. Patty said she also thought that was a good idea and when she proposed that in an email, she did not get any replies back. Patty suggested that the Board defer this until the city has worked it out with the Spokane company.

Emma Mercado closed the meeting to go into executive session at 8:01 p.m.

- **Action Items:** *Action items are due at the end of the day unless otherwise stated.* Devin Lundstrom will add the recurring action items to the agenda.
- Patty Kopp will follow up with the company in Spokane regarding the acquisition of the Williams Street property. She will follow up with them in one month.
- Devin Lundstrom and Chris Laurion will continue to work on the financials and give an update at the October meeting.

- Devin Lundstrom will take a picture of the current gazebo plaque with Jerry Martin's name and send to the Board for review.
- Scott Snyder will continue to work with the LRP committee to update the CC&Rs and have an update for the Board at the October meeting.
- Devin Lundstrom will download the homeowner surveys and send to the Board by end of the week.
- Rick Burr will contact the homeowner that lives in #9 and retrieve the bricks and capstone. This will be done by the end of the month.
- Chris Laurion will continue to research what authority the Board has to clean-up a homeowner's lot with appropriate notice to homeowner. Chris will report to the Board at the October meeting.
- Emma Mercado will meet with Chris Laurion to discuss the budget for manager's salary increase. They will report to the Board at the October meeting.
- Emma Mercado will meet with Devin Lundstrom to perform a manager's review. This will be completed before the October meeting.