

West Winds HOA Board Meeting Minutes

Date: 5/07/2025

Time: 11:00 AM

Location: Kitch Walker's Home Office

Meeting Type: Board Meeting

I. Call to Order

The meeting was called to order at 11:10 AM by Kitch Walker, President

II. Roll Call

A. List of Board Directors Present:

Kitch Walker – President

Mandee Arnold – Secretary

Linda Racicot – Treasurer

B. List of Board Officers Present:

John Stelly – Vice President

Dillon Fatouros – Assistant Secretary

C. List of Board Directors Absent:

None

D. List of Board Officers Absent:

None

E. Others Present:

None

III. Reports of Officers

A. Treasurer's Report – Presented by: Linda Racicot, Treasurer

Alliance Bank - Current Operating Balance: \$91,734.58

Alliance Bank - Reserve Account Balance: \$220,382.11

Stockman Bank – Operating Balance: \$59,651.73

Grand Total: \$371,768.42

IV. Agenda Items

A. Violations Management – Fine Schedule

The Board discussed and finalized a multi-tiered violations fines schedule that enforces citations with fines and fees. Pursuant to authority granted to the Board under:

- Section 4.4 (Association Rules) of the *Declaration of Covenants, Conditions, and Restrictions* (CC&Rs),
- Article 12 (Enforcement) of the *Bylaws of the West Winds Master Homeowners' Association, Inc.*, and
- the *Montana Code Annotated* §§ 35-2-118, 35-2-130, and 35-2-440 (powers of nonprofit mutual benefit corporations)

Date of Motion: 5/7/2025

Motion by: Linda Racicot, Treasurer

Motion: the Board of Directors hereby adopts and authorizes implementation of the “Initial Violations Fine Schedule” (**Attachment A**) for use in Violation Notices beginning May 7, 2025. The fine schedule shall be implemented on a pilot basis, during which the Board, Management, and ACC will test its efficacy, reasonableness, applicability, usability, accounting integration, and fairness. Results and outcomes will be reviewed by December 31, 2025, to determine whether to retain, modify, or replace this schedule.

The Board further directs that:

1. All violation notices cite the applicable violation classification (Minor, Moderate, or Major).
2. Daily or weekly fines may accrue as indicated until correction or cure.
3. Owners shall be provided notice and opportunity to cure and/or request a hearing consistent with the Bylaws before fines are final.
4. All fines, when assessed, shall be treated as Reimbursement Charges collectible as assessments under CC&Rs §6.11 and §18.12.

Seconded by: Kitch Walker, President

Vote: The motion carried unanimously

B. Project Update – Surveying Project:

- Timeframe
 - Importance
-

C. N 27th Road Improvement Project

Date of Motion: 5/7/2025

Motion by: Linda Racicot, Treasurer

Motion: To authorize Kitch to work with HOA Attorney to research, write and initiate quickclaim deed transfers, if needed, for all HOA Open Spaces not yet conveyed to HOA from original Developer, John Dunlop (Cascade Development) as intended and pursuant to the West Winds finalized Planned Unit Development (PUD) and HOA governing documents. Authorize Kitch Walker, President and Mande Arnold, Secretary to final negotiate and sign any necessary documents related to N 27th Road Improvement easements or property conveyance as permitted in HOA governing documents and in the best interests of the HOA, given HOA Attorney also agrees or recommends HOA BOD signature of finalized documents.

Seconded by: Mande Arnold, Secretary

Vote: Unanimously

V. Adjournment

Motion: Linda Racicot, Treasurer

Second: Kitch Walker, President

Vote: Motion carried unanimously

Meeting Adjourned: 12:55 AM

Attachments

Initial Violations Fine Schedule (Effective May 7, 2025)

1. Classification Framework

Category	Definition	Typical Board Response
Minor Violation	Temporary or cosmetic issues with minimal community impact.	1st Notice: Warning • 2nd Notice: \$25 + \$10/day or \$100/week • 3rd Notice: \$50 + \$10/day or \$100/week
Moderate Violation	Issues creating disruption, aesthetic decline, or city code overlap.	1st Notice: Warning • 2nd Notice: \$125 + \$25/day or \$250/week • 3rd Notice: \$250 + \$25/day or \$250/week
Major Violation	Serious, deliberate, or hazardous non-compliance; unapproved ACC changes or safety threats.	1st Notice: Warning • 2nd Notice: \$500 + \$100/day or \$1,000/week • 3rd Notice: \$1,000 + \$100/day or \$1,000/week

Escalation Rule: More than three active or concurrent violations may elevate enforcement to the next higher classification.

2. Examples by Classification

Minor Violations

- Trash bins visible on non-collection days
- RVs parked in driveway > 24 hrs (but < 30 days)
- A/C units in windows
- No lease on file / room-by-room rental listing
- Holiday décor > 30 days post-holiday
- Overhead encroachments (tree limbs blocking sidewalk)
- Parking commercial vehicles on street or lot
- Signs, flags, or decorative items violating standards
- Unsightly/cosmetic conditions not affecting neighbors
- Boulevard tree – single missing tree

Moderate Violations

- Multiple missing boulevard trees (esp. for sale lots)
- Overflowing or bagged garbage in visible areas
- Installation or storage of prohibited fire pits (not actively lit)
- Active room-by-room rentals
- Snow not removed from sidewalks
- RV > 20 ft blocking sidewalk/right-of-way
- Parking in yard or storing inoperable vehicles
- Fence needing repair or stain
- Unkempt yards or no irrigation (affecting values)
- Disposal of debris into open space/parks
- Unapproved plantings in open space
- Visible kennels or dog runs
- Minor sidewalk damage
- Noxious weeds or neglected vacant lots

Major Violations

- Active prohibited fires or fire pits creating hazard
- Structures or Encroachments in open spaces or city parks
- Unapproved ACC projects (fence, shed, solar, etc.)
- Failure to apply or cease unauthorized work
- Short-term rental operations (< 6 months)
- Driving/parking on HOA common areas
- Unsafe or collapsing fences/structures
- Dumping waste, feces, or debris in open space
- Major sidewalk hazard (no sidewalk, unsafe condition)
- Intentional or repeated disregard for rules or noticed violations

3. Definitions Summary

Minor: Temporary or cosmetic issues with minimal impact.

Moderate: Noticeable disruptions or recurring minor violations requiring action.

Major: Serious or deliberate non-compliance impacting safety, property values, or community integrity.

Board Discretion: The Board may add or reclassify violations up or down based on severity, recurrence, or homeowner cooperation.

4. Legal Authority Summary

- **CC&Rs § 4.4 – Association Rules:** Authorizes Board to adopt reasonable rules and fines.
- **CC&Rs § 18.12 – Enforcement:** Authorizes monetary fines and recovery as Reimbursement Charges.
- **Bylaws Art. 12 – Enforcement:** Empowers Board to levy fines with notice and hearing rights.
- **MCA 35-2-118, -130, -440:** Authorizes nonprofit mutual benefit corporations to adopt and enforce rules and obligations of members.