

MINUTES FOR MSHOA BOARD MEETING  
VIRTUAL ZOOM MEETING  
October 6th, 2021 at 9:00 AM – 10:00 AM

**Date/Time:** October 6, 2021, 9:00 – 9:43am

**Location:** Virtual

**Meeting called by:** Regular Monthly Meeting

**Board Members present:**

Bill Klevenberg – President

Scott Anglim – Vice President

Belinda Pond – Secretary/Treasurer

Bob Hammond – Director & Water Committee Liaison

**Community Members present:** Bob Seal, Stacy Perryman, Lance Price, Joe Hofstra, Debra & Randy Bowersox, Shannon Klevenberg

Meeting Called to Order at 9:01am by Bill Klevenberg

- Bob Seal asked to address his issue with Scott Anglim's addendum to last month's meeting. Bill noted that this item will be part of the approval of the September minutes.

Approval of September Minutes

- Bob Seal's concerns were addressed. Bill reminded everyone that conduct was not on the agenda last month. Cindy Thompson stated during the public comment segment of last month's meeting that she wanted it on the record that the board should be held to a higher standard than other HOA members. Scott Anglim provided his perspective on her comments by providing an addendum which was attached to last month's minutes Scott did not read a statement during the meeting. Bill asked that Bob S. respect the same. Nonetheless, Bob Seal read his statement, which is attached.
- Belinda moved that the September minutes be approved. Bob H. seconded the motion and it was approved.

Approval of Agenda – Bill

- Belinda noted that due to travel schedule, the agenda was not posted to the website. Bob H. suggested the agenda be read aloud to allow for additions if anyone would like to have something discussed. Belinda read the agenda. No additions were requested. Bob moved to approve, Bill 2<sup>nd</sup>, agenda approved.

**NEW BUSINESS:**

**1. (Belinda Pond) Welcome new members:**

- Welcome to Michael and Tanja Ferguson, they purchased Webster's house

**2. (Bill Klevenberg) Update on collection of special assessment:**

- We have collected payments from all 86 lots, we only had one lot go 30 days past due.
- The first loan payment was made October 1 and will be reflected in next month's financial report.

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- Bob H. requested that in May/June of 2022 we send out a reminder for those on payments to be on the lookout for that invoice as some may have forgotten about the assessment.
- 3. (Bob Hammond) Filing of updated CC&R'S which was approved by membership vote in July will be recorded with county shortly.**
- Bill noted that Bob wrote the draft changes for the CC&R's and the board reviewed and made edits. This will be filed with the county shortly.
  - Bob H. commented he is going to speak to Dr. Mike about his new driveway, expressing that 1) the culvert is not long enough and 2) the incline of the driveway is a concern. We don't want to see someone end up in the fountain. Bob will talk to Dr. Mike about our concerns.
  - A few additional jokes about the new sledding hill or luge were made.
- 4. (Belinda) Updated Member Directory:**
- The last member directory went out in February, we have had 4 property exchanges since then and some of the information is not up to date. An email will be going out prior to month end asking everyone to verify their contact information.
- 5. (Bob Hammond) Report on water system:**
- Bob Hammond gave a report on the production capacity of the wells. Please see attachment.
  - Bob Seal requested that the water advisory committee be provided the report and meet with Bob Hammond to go over the water report discussed. Bob Hammond will send the report to the water committee and send out a meeting invite when he is back in town.
  - Lance asked for clarification on how the holding tanks factor into the water system and capacity parameters. Basically, the pumps put water into holding tanks, which provide water to the end user. Bob H said yes, we have 3 holding tanks. They are big enough they would supply the neighborhood with water even if we turned the pumps off for a day. The biggest issue is the control system We have radio signals which are sending error messages that allow water to pump onto the ground. Mike Hilligas is designing a cellular based system to replace the radio system to resolve the issue.

**UPDATE ON CONTINUING BUSINESS:**

- 6. Financial Report – Belinda Pond**
- Bill put the September financial report on the screen of the Zoom meeting for member viewing.
  - Thank you to Bill Klevenberg and Cherry VanCour for getting the Special Assessment and loan information logged into QuickBooks.
  - Thank you to the water committee for providing so many hours of service that keep our expenses for the water system low.

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7. **Architectural Committee Report** - Scott Anglim

- Lange's excavation work has begun for the foundation.

**PUBLIC COMMENT**

- Bob S. asked if the CC&R changes previously mentioned are those that were voted on in July at that meeting. Bill reiterated that, yes, these are the changes that were on the ballot that went out and were voted on and passed.
- Lance asked that the board keep on its radar that construction traffic on Summerwind is still a concern and has picked up in the last month.
- In addition, Lance brought up concerns about water pressure. When his neighbors, the Schoonover's, sprinkler system turns on their water pressure goes down to nil. Bob H is taking a water pressure gauge to put on Lance's frost-free connection as a place to start monitoring what happens when the Schoonovers system turns on. Lance also noted that he would like to participate in the solution. He is not asking that someone else fix his issue.
- Lance commented that he originally chose the platform for the HOA website with intention that we would manage the content ourselves, a few years ago a previous board brought in a 3<sup>rd</sup> party to manage it. Lance suggested that the board consider discontinuing using a 3<sup>rd</sup> party and we manage it ourselves. He is happy to provide training on how to do this.
- Bob H. mentioned he would like to see the website re-worked to be more directed at homeowners vs. marketing. Lance noted that last year when Alan was president, they did discuss this and he (Lance) has a mockup of the new website created.

ADJOURNMENT OF GENERAL MEETING 9:43am

## Mountain Shadows water system performance versus design

There seems to be some misunderstandings concerning the output of the Mountain Shadows water wells and a “design” document

A few factors:

Well #2 was drilled in 1998 and the well drillers report was recorded on Jan 27, 1999. That report, which is the official record for the well, indicates a yield of 40 gpm. Keep in mind the original yield is measured with an external pump, pumping against an open discharge pipe, in other words no back pressure against the well pump.

The water well requirements were specified by Briggs Engineering as part of the initial opening of the Mountain Shadows Subdivision. That included two wells. Well #1 producing 30 gpm and well #2 producing 40 gpm. This requirement was met prior to the opening of Phases 1 and 2.

There is no published or documented requirement for a flow rate of 48 gpm from well #2. This conclusion is based on the following research.

There appears to be confusion or misunderstanding based on the Civil Survey Consultants report titled “Mountain Shadows Subdivision Phase III Water System” dated July 13 2005. Civil Survey Consultants were tasked with designing the distribution system for Phase 3 and also requested to consider the water requirements if Phase 4 and other future expansions were developed. Their report stated the water system installed for Phase 1 and 2 was sufficient to satisfy the requirements of 100 lots. This report listed well #2 as producing 48 gpm, which is 20% more than it was capable of when drilled in 1998. This appears to be the main point of contention and confusion.

I called Civil Survey and asked where or how the flow rate of 48 gpm was documented or developed. Based on a review of available records there was no documentation for that flow rate nor was a flow calculation done or reported as part of their report relative to the requirement for 100 lots in phase 1, 2 and 3. The representative I spoke with speculated that someone may have provided the flow rate number, perhaps the developer or someone working on the water system such as the water master. The report is not a design requirement for Phases 1, 2 and 3. Their primary focus was on what additional water service would be required for Phases 4 and beyond. The representative also stated he has never heard of a well growing in production over time and doubted the validity of the stated 48 gpm number. He speculated that if they had been tasked with a design for the well system to support phase 4, the error about well # 2 would have been caught and corrected. He further mentioned it could just be a simple error or typo. The author of the report is no longer with the company and not available to comment.

The Civil Survey Consultant representative recommended the supply levels be correlated with the DEQ planning figures to insure adequate supply.

In order to double check the requirements, using the planning figure calculations based on the DEQ design file notes called out in the 2005 Civil Survey Consultants report the required total well flow rates are shown for several situations.

For 100 lots supplied with 274 gallons per day the total yield from both wells had to be at least 37.6 gpm (or 53% of supply)

For 100 lots using the allowed 300 gallons per day the wells have to produce 43 gpm. (61% of supply)

For 91 lots, the current lot and customer count, at 300 gallons per day the wells must produce 39.2 gpm(56% of supply)

Actual water requirements, not using the DEQ planning escalation factors are:

For 100 lots using 274 gallons per day requires 19.2 gpm from the wells (27% of supply)

For 91 lots and customers using 300 gallons per day the wells must produce 18.9 gpm. (27% of supply)

These figures appear to be in line with the data recorded by Bob Seals this summer. Flow rates based on his data show Well # 1 supplied about 28 gpm and well #2 was performing at 37 gpm. Well # 2 was throttled electronically to run at a slower speed and therefore produce a reduced flow due to what appears to be a sticking and noisy back flow valve.

The wells are both performing well within their design criteria and within reasonable tolerances based on a multitude of factors, including instrumentation error, and run time rounding.

There is no issue with the water system current operation compared to any published design criteria. It is unfortunate that the Civil Survey Consultant report was mis-leading. The fact that the question was raised was helpful in prompting the necessary research to better understand the system operation.

There is NO way to unconditionally state the water system will not fail due to a catastrophic failure, long term drought condition, massive earthquake changing the aquifer, or other act of God.

**Robert C. Seal's Statement Regarding Allegations Made by Mr. Scott Anglim**

On September 12, 2021, I accessed the "MINUTES FOR MSHOA BOARD MEETING VIRTUAL ZOOM MEETING September 1, 2021 at 9:00 AM – 9:45 AM" on the MSHOA website to review them since I was not able to attend the meeting.

I was astounded to learn that after the meeting had concluded Scott Anglim issued a letter titled, "Confrontations by members" that included false and slanderous statements about me. Mr. Anglim's letter was attached to the meeting minutes and therefore has become a public record. The purpose of this note is to provide information for the public (legal) record and "additions/corrections to the minutes" that refutes the false allegations made by Mr. Anglim about me.

First, in paragraph 4 of Mr. Anglim's letter he stated, "I was recently informed by Bob Seal that the group of individuals Scott Brown & Cindy Thompson represent "personally hate" individual board members, and the BOD as a whole. I can only conclude that these members are identified in Cindy's "Important HOA Letter Signature Page addendum #1 with more signatures forthcoming" email to the BOD, dated 27 JUL 2021."

No homeowner has informed me that they "personally hate" any member of the MSHOA BOD and I have never transmitted such claim to Mr. Anglim. I am aware that some homeowners, including myself, are not pleased with the MSHOA BOD's handling of the special assessment, but that displeasure does not translate to "hate" and does not represent a physical threat to any member of the MSHOA BOD.

Second, in paragraph 5 of Mr. Anglim's letter he stated, "Bob Seal personally threatened me, to my face – I have a witness that was with me when it occurred."

After reading the allegation that I personally threatened Mr. Anglim I sent him an email with this request, "Please tell me what I said that made you feel threatened by me and what action did I threaten." Mr. Anglim's response the same day was, "You crossed a line, inexcusable. You figure it out, you know exactly what you said to me." I did not threaten Mr. Anglim with any physical harm, during our conversation. I honestly don't believe I have threatened anyone with physical harm since a man almost ran over my young grandson and me in a crosswalk many years ago.

The nature of the alleged "treat" remains undisclosed and the witness unnamed. The letter indicates that the event occurred at my home, and I also have a witness to the meeting. Glenna Seal observed the entire meeting and will testify in court if necessary that she heard both Mr. Anglim and I raising our voices during the conversation, and that she did not hear either of us threaten the other.

I swear that the information I have provided is true and accurate to the best of my knowledge, information, and belief.



Robert C. Seal  
October 4, 2021

Attachment # 3 - Written esponse provdied by Cindy Thompson

November 10, 2021

Much of what Mr. Anglim reports in his statement concerning my phone conversation with him is inaccurate as to the content and tone of my singular phone call.

I have never used the word “hate” towards Mr. Anglim, any member of the Board of Directors or any member of our Home Owners Association. All communications to the Board of Directors were for the purpose of filing an objection to the repaving of our road and the process followed by the Board of Directors.

I made no “demands” of Mr. Anglim but inquired about a pending board action. There was no “regurgitation of demands” or “repeated demands” to Mr. Anglim. As to his assertion of “after hours”, the call was made at 7:16 pm on July 27, 2021 and I conversed with Mr. Anglim for about 2 minutes. I simply asked one question one time in a polite and calm manner. Mr. Anglim immediately raised his voice and began to berate me. It was his response to my stated question that Mr. Anglim lost his temper and composure.

I am unable to address Mr. Anglim’s allegations as to Al Webster, Scott Brown, Bob Seal or Dale Bentley. However, the apparent conclusion from Mr. Anglim’s own statement is that Mr. Anglim incredibly has had conflict with each of the above mentioned members of the MSHOA in good standing concerning our Home Owner Association business.

I state that the information I have provided is true and correct.

Cynthia L. Thompson