

**Waterside Condominium Owners Association**

**PO Box 9365  
Kalispell, MT 59904  
406-257-1302**

Jack Jenkins, President  
Mike Nuessle, Vice President  
Steve Halsey, Board Member

Brian Doyle, Treasurer  
Cindy Lewis, Board Member  
David Roberts, Manager

July 31, 2020



**The 2020 Waterside Condominium Owners Association Annual Meeting has been canceled and the necessary member information to be completed and returned is enclosed.**

During the July, 2020 Board of Directors meeting, with the available COVID-19 information at that time, we decided out of an abundance of caution to cancel our Annual Meeting scheduled for 2020. After communicating with our Flathead County & Kalispell City Health Department on the COVID-19 situation in Western Montana while following a number of our Governor's Executives Orders, your BOD met this month. This meeting allowed us to collectively examine various options to help prevent the spread of coronavirus and to lessen the possibility of contact with meeting participants. We truly understand the potential seriousness of this virus particularly within certain age groups. The BOD recognizes the need to ensure that our membership is kept apprised of our actions, finances, programs and to conduct the necessary annual elections as required under our bylaws. We strongly feel this action is in the best interest of our membership and our broader community. Thank you for your understanding and for any inconvenience this change might have created.

You will find the following information as part of this mailing:

- This cover sheet
- President's Message
- 2019 Financials
- 15 Year Plan
- > 2019 Annual Meeting Minutes
- > 2020 Operating Budget
- > Waterside Response to Volunteer Park Expansion
- > 2020 Proxy Ballot

**Please complete and return the necessary proxy/ballot in the self addressed stamped envelope no later than August 28, 2020.**

## President's Message

These are very unusual times we're living in, but things here at Waterside this summer of 2020 are as beautiful as ever. I'm struck by how many people are here in residence at Waterside this summer, and the number of visitors in the Flathead Valley from all over the country. It's unfortunate we can't gather in person for our Annual Meeting this year, but we as the Board believed it was the right thing to do to cancel the meeting but still provide an opportunity to review relevant information in this package, as well as give feedback.

Our priorities this year as your Board, other than the day-to-day management of the property, have been to develop a response to the major expansion of Volunteer Park next door, and to formulate a long-term financial plan for Waterside to make sure we have the resources to keep the property well-maintained. This package includes information on both priorities. The Volunteer Park expansion next door is already approaching completion which will bring many people right to our southern property line and docks. Please take a look at the information included on our application to the county to build a more robust fence for security purposes. We also communicated with the owners about our plan to build financial reserves for major maintenance projects such as painting and roofing of the buildings. The Board has approved a \$50/month increase of our COA fees, but has deferred implementing the increase until our economy stabilizes.

Implementation of the above initiatives will likely continue to be top priorities for your Board in the coming year. There is an opportunity to provide feedback when you send your ballot in, so don't hesitate to do that so we can get an idea of what's important to our owners.

Have a safe and prosperous upcoming year!



Jack Jenkins for the COA Board of Directors

## **Waterside COA Annual Meeting – August 29, 2019**

### **Lakeside QRU – 10:00 AM**

Board Members – Steve Halsey, Mike Nuessle, Jack Jenkins (John Ferguson absent)

Property Manager – David Roberts

### Meeting Called to Order and Quorum established

### 2018 COA Annual Meeting Minutes Approved

### Financials

- Mike Nuessle and David Roberts presented the financial results for calendar year 2018. While the finances of the COA are currently healthy with a significant reserve established, the discussion focused on likely future maintenance & repair expenses (such as painting the buildings, repaving the parking areas) that will likely require more financial resources than future projected reserves. The Board will develop a plan to address.

### Other Action Items from 2018

- Significant drainage issue on the north side of the property was addressed and solved.
- Ballot of all owners was conducted on the minimum rental period issue. Owners voted to keep the minimum rental period at two weeks rather than increase it to one month.
- Spa security – cameras have been installed at the spa and front entrance, additional signage has been placed, and spa gates are being modified to prevent unauthorized entry.
- Summer party was held (although partially rained out) and there is support for holding another one next summer.
- Waterside website developed (watersidemt.com) and is now up and running for all owners to access COA info. Owners were encouraged to make their contact information available on the website by contacting David Roberts.
- Planned maintenance for the coming year includes areas of water intrusion such as downspouts, fascia and also spa deck repair.

### Expansion of Volunteer Park

- Mike Nuessle presented results of a meeting with the buyers of the adjacent property who plan to expand Volunteer Park. It was noted that the park could have noise and other impacts, particularly on Building 3 which is adjacent. Input has been given to the buyers with regard to a buffer zone and possible landscaping enhancements to mitigate impacts. Installing additional fencing is also being examined. Owners also expressed concern about the location of the parking lot adjacent to Waterside which will be passed on to the buyers.

## Owner Input and Discussion

- It was noted that the stairwell to Unit 2-202 is very dark at night; David will follow up.
- An owner proposed that renters not be allowed to have pets due to various problems that have occurred. We were reminded that the Waterside Rental Rules, part of the Standardized Short Term Rental Agreement, already prohibit renters from having pets. Concern was expressed about enforcing this provision and dogs in general due to their impact on the landscaping.
- Parking is an issue, especially during busy summer weekends and holidays. David encouraged owners to use their garages for parking as there are limited open spaces on the property.
- Support was expressed for recommended service contractors (for heating, air conditioning, window washing, etc.) to be posted on the website. David will email Owners to solicit recommendations and post on the website.

## Election of Board Members

- The Waterside By-Laws call for a Board with five members. The current Board decided that there should be two positions up for election this year, one vacant and one whose term had expired.
- Three Owners expressed an interest in the two open positions – John Ferguson (incumbent Board member), Cindy Dean and Brian Doyle.
- A confidential ballot was conducted among all owners present, including proxies, resulting in Cindy Dean and Brian Doyle being elected to the Board.

Adjourn

**Waterside COA**  
**Balance Sheet Prev Year Comparison**  
**As of December 31, 2019**

	Dec 31, 19	Dec 31, 18	\$ Change	% Change
<b>ASSETS</b>				
<b>Current Assets</b>				
<b>Checking/Savings</b>				
Rocky Mountain Bank	28,963.54	35,150.55	-6,187.01	-17.6%
Whitefish Credit Union	131,312.97	128,628.12	2,684.85	2.1%
<b>Total Checking/Savings</b>	160,276.51	163,778.67	-3,502.16	-2.1%
<b>Accounts Receivable</b>				
Accounts Receivable	1,849.84	8,963.08	-7,113.24	-79.4%
<b>Total Accounts Receivable</b>	1,849.84	8,963.08	-7,113.24	-79.4%
<b>Other Current Assets</b>				
Undeposited Funds	8,146.01	2,093.60	6,052.41	289.1%
<b>Total Other Current Assets</b>	8,146.01	2,093.60	6,052.41	289.1%
<b>Total Current Assets</b>	170,272.36	174,835.35	-4,562.99	-2.6%
<b>TOTAL ASSETS</b>	<b>170,272.36</b>	<b>174,835.35</b>	<b>-4,562.99</b>	<b>-2.6%</b>
<b>LIABILITIES &amp; EQUITY</b>				
<b>Liabilities</b>				
<b>Current Liabilities</b>				
<b>Accounts Payable</b>				
Accounts Payable	2,582.20	35,071.91	-32,489.71	-92.6%
<b>Total Accounts Payable</b>	2,582.20	35,071.91	-32,489.71	-92.6%
<b>Total Current Liabilities</b>	2,582.20	35,071.91	-32,489.71	-92.6%
<b>Total Liabilities</b>	2,582.20	35,071.91	-32,489.71	-92.6%
<b>Equity</b>				
Retained Earnings	94,088.44	110,375.64	-16,287.20	-14.8%
Working Capital Deposits	45,675.00	45,675.00	0.00	0.0%
Net Income	27,926.72	-16,287.20	44,213.92	271.5%
<b>Total Equity</b>	167,690.16	139,763.44	27,926.72	20.0%
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>170,272.36</b>	<b>174,835.35</b>	<b>-4,562.99</b>	<b>-2.6%</b>

**Waterside COA**  
**Profit & Loss Prev Year Comparison**  
 January through December 2019

	Jan - Dec 19	Jan - Dec 18	\$ Change	% Change
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
Condo Owner Association Income	261,900.00	262,230.00	-330.00	-0.1%
FEC Capital Credit Refund	220.89	202.36	18.53	9.2%
<b>Fee Income</b>				
Propane	37,087.96	37,985.47	-897.51	-2.4%
<b>Total Fee Income</b>	37,087.96	37,985.47	-897.51	-2.4%
<b>Insurance Reimbursement</b>	1,936.29	0.00	1,936.29	100.0%
<b>Rental Impact Fee</b>	3,250.00	1,250.00	2,000.00	160.0%
<b>Returned Check Charges</b>	50.00	0.00	50.00	100.0%
<b>Total Income</b>	304,445.14	301,667.83	2,777.31	0.9%
<b>Gross Profit</b>	304,445.14	301,667.83	2,777.31	0.9%
<b>Expense</b>				
Bank Service Charges	10.00	0.00	10.00	100.0%
Cash Discounts	0.00	-9.53	9.53	100.0%
Contract Labor	529.00	0.00	529.00	100.0%
Contributions/Donations	500.00	500.00	0.00	0.0%
Filing Fees	20.00	20.00	0.00	0.0%
Freight In	0.00	75.00	-75.00	-100.0%
<b>Insurance</b>				
Liability Insurance	52,308.78	51,527.66	781.12	1.5%
Service Charge	72.00	72.00	0.00	0.0%
<b>Total Insurance</b>	52,380.78	51,599.66	781.12	1.5%
<b>Interest Expense</b>				
Finance Charge	0.00	1.00	-1.00	-100.0%
<b>Total Interest Expense</b>	0.00	1.00	-1.00	-100.0%
<b>Landscaping</b>				
Bedwork - Plants	1,779.13	725.00	1,054.13	145.4%
Chemical Application	3,700.00	3,425.00	275.00	8.0%
Fertilizer Application	0.00	20.00	-20.00	-100.0%
General Landscaping	12,845.00	9,590.00	3,255.00	33.9%
Hanging Baskets	4,150.00	1,350.00	2,800.00	207.4%
<b>Irrigation</b>				
Labor	690.00	0.00	690.00	100.0%
Sprinkler Startup	200.00	165.00	35.00	21.2%
Supplies	422.24	219.60	202.64	92.3%
Irrigation - Other	0.00	215.00	-215.00	-100.0%
<b>Total Irrigation</b>	1,312.24	599.60	712.64	118.9%
<b>Lawn Aeration</b>	0.00	85.00	-85.00	-100.0%
<b>Materials</b>	0.00	280.00	-280.00	-100.0%
<b>Pond Area</b>				
Labor	320.00	0.00	320.00	100.0%
Supplies	49.99	0.00	49.99	100.0%
<b>Total Pond Area</b>	369.99	0.00	369.99	100.0%
<b>Potted Flowers/Plants</b>	760.00	5,425.00	-4,665.00	-86.0%
<b>Tree Removal</b>	1,025.00	110.00	915.00	831.8%
<b>Watering Plants, Pruning</b>	0.00	2,040.00	-2,040.00	-100.0%
<b>Landscaping - Other</b>	0.00	133.80	-133.80	-100.0%
<b>Total Landscaping</b>	25,941.36	23,783.40	2,157.96	9.1%
<b>Licenses and Permits</b>	415.00	555.00	-140.00	-25.2%
<b>Management Fees</b>	30,000.00	30,000.00	0.00	0.0%
<b>Meeting Refreshments</b>	0.00	29.97	-29.97	-100.0%
<b>Postage and Delivery</b>	1,105.40	928.10	177.30	19.1%

**Waterside COA**  
**Profit & Loss Prev Year Comparison**  
 January through December 2019

	Jan - Dec 19	Jan - Dec 18	\$ Change	% Change
<b>Professional Fees</b>				
Accounting	160.00	160.00	0.00	0.0%
Legal Fees	99.00	1,398.54	-1,299.54	-92.9%
<b>Total Professional Fees</b>	259.00	1,558.54	-1,299.54	-83.4%
<b>Repairs and Maintenance</b>				
Alarm System Monitoring	696.00	0.00	696.00	100.0%
Bldg 2 Drainage Repairs	5,045.00	27,500.00	-22,455.00	-81.7%
<b>Building Repairs</b>				
Carport/Garage	0.00	1,400.00	-1,400.00	-100.0%
Labor	1,375.00	0.00	1,375.00	100.0%
Materials	1,087.34	0.00	1,087.34	100.0%
Building Repairs - Other	0.00	500.00	-500.00	-100.0%
<b>Total Building Repairs</b>	2,462.34	1,900.00	562.34	29.6%
<b>Common Areas</b>				
Curb Replacement	0.00	2,030.00	-2,030.00	-100.0%
Fire System Repairs	392.00	1,392.04	-1,000.04	-71.8%
General Clean-Up	29,565.00	30,135.00	-570.00	-1.9%
Insect Control	3,200.00	3,600.00	-400.00	-11.1%
Labor	3,974.45	0.00	3,974.45	100.0%
Light Bulbs	927.55	1,755.03	-827.48	-47.2%
Lighting	1,260.02	0.00	1,260.02	100.0%
lighting maint & materials	0.00	1,537.93	-1,537.93	-100.0%
Retention Pond Area	0.00	285.00	-285.00	-100.0%
Sealcoating Drive Areas	0.00	7,090.00	-7,090.00	-100.0%
Storm Drains Cleaning	0.00	2,475.00	-2,475.00	-100.0%
Supplies	1,923.32	344.96	1,578.36	457.6%
Sweep Drive Areas	600.00	300.00	300.00	100.0%
<b>Total Common Areas</b>	41,842.34	50,944.96	-9,102.62	-17.9%
Concrete Repairs	160.00	0.00	160.00	100.0%
<b>Docks</b>				
Labor	1,713.34	0.00	1,713.34	100.0%
Supplies	122.45	0.00	122.45	100.0%
Docks - Other	0.00	500.00	-500.00	-100.0%
<b>Total Docks</b>	1,835.79	500.00	1,335.79	267.2%
Elevator Bldg 3	4,188.84	4,079.40	109.44	2.7%
Equipment	0.00	499.00	-499.00	-100.0%
Equipment Rental	1,274.00	100.00	1,174.00	1,174.0%
<b>Exercise Room</b>				
Bathroom Supplies	95.31	54.53	40.78	74.8%
Cleaning/Janitorial	1,680.00	1,686.29	-6.29	-0.4%
Gym Equipment Repairs	0.00	60.00	-60.00	-100.0%
Repairs/Maint.	0.00	406.74	-406.74	-100.0%
Exercise Room - Other	0.00	4.49	-4.49	-100.0%
<b>Total Exercise Room</b>	1,775.31	2,212.05	-436.74	-19.7%
Fence Repair	540.00	0.00	540.00	100.0%
Gutters	1,285.00	0.00	1,285.00	100.0%
Labor	0.00	8,512.00	-8,512.00	-100.0%
Maintenance Supplies	0.00	175.10	-175.10	-100.0%
Pressure Washing	640.00	0.00	640.00	100.0%
Service Call	0.00	171.60	-171.60	-100.0%
Signs	1,991.00	0.00	1,991.00	100.0%
<b>Snow Removal</b>				
Ice Melt	97.92	61.96	35.96	58.0%
Snowplowing	5,150.00	5,317.50	-167.50	-3.2%
<b>Total Snow Removal</b>	5,247.92	5,379.46	-131.54	-2.5%

**Waterside COA**  
**Profit & Loss Prev Year Comparison**  
**January through December 2019**

	Jan - Dec 19	Jan - Dec 18	\$ Change	% Change
<b>Spa Area</b>				
Chemicals	543.15	267.10	276.05	103.4%
Clean/Check Spa	3,210.48	1,980.00	1,230.48	62.2%
Gates	625.00	0.00	625.00	100.0%
Repairs	447.79	1,635.00	-1,187.21	-72.6%
Service Call	0.00	300.00	-300.00	-100.0%
Spring Start-Up	875.88	300.00	575.88	192.0%
Supplies	75.93	70.00	5.93	8.5%
Winterize	0.00	592.00	-592.00	-100.0%
<b>Total Spa Area</b>	<b>5,778.23</b>	<b>5,144.10</b>	<b>634.13</b>	<b>12.3%</b>
<b>Total Repairs and Maintenance</b>	<b>74,761.77</b>	<b>107,117.67</b>	<b>-32,355.90</b>	<b>-30.2%</b>
<b>Security Cameras</b>	<b>876.28</b>	<b>0.00</b>	<b>876.28</b>	<b>100.0%</b>
<b>Social Events</b>	<b>1,300.00</b>	<b>2,263.00</b>	<b>-963.00</b>	<b>-42.6%</b>
<b>Supplies</b>				
Materials	0.00	1,258.00	-1,258.00	-100.0%
Office	49.80	0.00	49.80	100.0%
<b>Total Supplies</b>	<b>49.80</b>	<b>1,258.00</b>	<b>-1,208.20</b>	<b>-96.0%</b>
<b>Taxes</b>				
Federal	0.00	131.00	-131.00	-100.0%
State	50.00	50.00	0.00	0.0%
<b>Total Taxes</b>	<b>50.00</b>	<b>181.00</b>	<b>-131.00</b>	<b>-72.4%</b>
<b>Utilities</b>				
Cable	976.56	976.56	0.00	0.0%
Fire Monitoring	908.00	1,533.00	-625.00	-40.8%
Gas and Electric	22,922.00	22,103.00	819.00	3.7%
Propane	25,689.75	34,443.29	-8,753.54	-25.4%
Telephone	2,714.60	2,609.83	104.77	4.0%
Trash Removal	8,800.10	9,090.88	-290.78	-3.2%
Water and Sewer	26,877.45	27,293.51	-416.06	-1.5%
<b>Total Utilities</b>	<b>88,888.46</b>	<b>98,050.07</b>	<b>-9,161.61</b>	<b>-9.3%</b>
voided check	0.00	0.00	0.00	0.0%
Water Softener	2,116.42	1,859.40	257.02	13.8%
<b>Total Expense</b>	<b>279,203.27</b>	<b>319,770.28</b>	<b>-40,567.01</b>	<b>-12.7%</b>
<b>Net Ordinary Income</b>	<b>25,241.87</b>	<b>-18,102.45</b>	<b>43,344.32</b>	<b>239.4%</b>
<b>Other Income/Expense</b>				
Other Income				
Interest Income	2,684.85	1,815.25	869.60	47.9%
<b>Total Other Income</b>	<b>2,684.85</b>	<b>1,815.25</b>	<b>869.60</b>	<b>47.9%</b>
<b>Net Other Income</b>	<b>2,684.85</b>	<b>1,815.25</b>	<b>869.60</b>	<b>47.9%</b>
<b>Net Income</b>	<b>27,926.72</b>	<b>-16,287.20</b>	<b>44,213.92</b>	<b>271.5%</b>



5:06 AM

07/29/20

Accrual Basis

**Waterside COA**  
**Profit & Loss Budget Overview**  
 January through December 2020

	Jan - Dec 20
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Condo Owner Association Income	262,230.00
FEC Capital Credit Refund	202.36
<b>Fee Income</b>	
Propane	38,680.00
<b>Total Fee Income</b>	38,680.00
Rental Impact Fee	1,250.00
Reserve income	-31,200.00
<b>Total Income</b>	271,162.36
<b>Gross Profit</b>	271,162.36
<b>Expense</b>	
Contributions/Donations	550.00
Filing Fees	20.00
<b>Insurance</b>	
Liability Insurance	50,904.00
Service Charge	72.00
<b>Total Insurance</b>	50,976.00
<b>Landscaping</b>	
Bedwork - Plants	725.00
General Landscaping	9,590.00
Hanging Baskets	1,350.00
<b>Irrigation</b>	
Sprinkler Startup	165.00
Supplies	219.60
Irrigation - Other	215.00
<b>Total Irrigation</b>	599.60
Lawn Aeration	85.00
Materials	280.00
Potted Flowers/Plants	4,250.00
Watering Plants, Pruning	2,000.00
<b>Total Landscaping</b>	18,879.60
Licenses and Permits	555.00
Management Fees	30,000.00
Postage and Delivery	928.00
<b>Professional Fees</b>	
Accounting	160.00
<b>Total Professional Fees</b>	160.00
<b>Repairs and Maintenance</b>	
Alarm System Monitoring	696.00
Building Repairs	1,200.00
<b>Common Areas</b>	
Fire System Repairs	1,500.00
General Clean-Up	30,000.00
Insect Control	3,150.00
lighting maint & materials	1,200.00
Retention Pond Area	250.00
Supplies	480.00
Sweep Drive Areas	300.00
<b>Total Common Areas</b>	36,880.00
Docks	500.00
Elevator Bldg 3	4,200.00

**Waterside COA**  
**Profit & Loss Budget Overview**  
 January through December 2020

	Jan - Dec 20
<b>Exercise Room</b>	
Bathroom Supplies	100.00
Cleaning/Janitorial	1,680.00
Repairs/Maint.	500.00
<b>Total Exercise Room</b>	2,280.00
<b>Labor</b>	12,000.00
<b>Maintenance Supplies</b>	300.00
<b>Snow Removal</b>	
Ice Melt	61.96
Snowplowing	6,000.00
<b>Total Snow Removal</b>	6,061.96
<b>Spa Area</b>	
Chemicals	267.10
Clean/Check Spa	1,980.00
Service Call	300.00
Spring Start-Up	300.00
Winterize	600.00
<b>Total Spa Area</b>	3,447.10
<b>Total Repairs and Maintenance</b>	67,565.06
<b>Social Events</b>	2,500.00
<b>Supplies</b>	
Firewood	150.00
<b>Total Supplies</b>	150.00
<b>Taxes</b>	
Federal	150.00
State	50.00
<b>Total Taxes</b>	200.00
<b>Utilities</b>	
Cable	976.56
Fire Monitoring	285.00
Gas and Electric	22,103.00
Propane	34,443.29
Telephone	2,609.83
Trash Removal	9,420.00
Water and Sewer	27,293.51
<b>Total Utilities</b>	97,131.19
<b>Water Softener</b>	2,280.00
<b>Total Expense</b>	271,894.85
<b>Net Ordinary Income</b>	-732.49
<b>Other Income/Expense</b>	
<b>Other Income</b>	
Interest Income	1,815.25
<b>Total Other Income</b>	1,815.25
<b>Net Other Income</b>	1,815.25
<b>Net Income</b>	1,082.76

**Waterside Reserve Projection - With HOA Dues Increase**

PROJECT	Cycle	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
<b>PAINTING</b>																	
Building 1			\$75,000														
Building 2				\$100,000													
Building 4					\$100,000												
Building 3						\$100,000											
Garages & other							\$100,000										
Staining														\$25,000			
<b>ROOFS</b>																	
Building 1													\$45,000				
Building 2														\$45,000			
Building 3															\$60,000		
Building 4 and garages																\$60,000	
<b>SPA AREAS</b>																	
Pool house									\$5,000								
Resurface spa w/tile and coping								\$9,000									
Rebuild waterfalls										\$15,000							
Replace heaters and pumps											\$20,000						
<b>GROUNDS</b>																	
Resurface parking area			\$5,000														
Landscape plants and trees					\$10,000									\$10,000			
Fencing							\$5,000								\$5,000		
Stairway lighting																	
<b>TOTAL EXPENSE</b>																	
Total Annual Expense		\$17,000	\$75,000	\$100,000	\$110,000	\$100,000	\$105,000	\$9,000	\$5,000	\$25,000	\$25,000	\$60,000	\$45,000	\$55,000	\$90,000	\$60,000	\$0
Beginning Reserve		\$130,000	\$153,000	\$147,000	\$116,000	\$75,000	\$44,000	\$8,000	\$68,000	\$132,000	\$176,000	\$220,000	\$229,000	\$253,000	\$267,000	\$246,000	\$255,000
Annual Reserve Contribution		\$40,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000	\$69,000
Balance		\$153,000	\$147,000	\$116,000	\$75,000	\$44,000	\$8,000	\$68,000	\$132,000	\$176,000	\$220,000	\$229,000	\$253,000	\$267,000	\$246,000	\$255,000	\$324,000
<b>Reserve Contribution Assumption - 15% increase In HOA dues Oct 2020 (\$50/mo increase)</b>																	

## **Volunteer Park Expansion – Waterside Application for Minor Variance to Build Fence**

A minor variance package was submitted on July 2<sup>nd</sup> (see attached) and will be in front of the Flathead County Commissioners within the next few weeks. When the public hearing is announced we will notice the COA about the meeting time and place. Participation at the meeting would be helpful to get the variance approved. Please read the attached as it explains what we are trying to accomplish.

Thanks for your support.



# Flathead County Planning & Zoning

40 11<sup>th</sup> Street West, Suite 220 Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210

## **APPLICATION FOR LAKE AND LAKESHORE CONSTRUCTION PERMIT**

*Submit this application, and appropriate fee  
to the Planning & Zoning office at the address listed above.*

**Filing Administrative Permit/Renewals: \*\***

**Fee:** Base Fee for one activity: \$270  
Each additional activity: \$110

**Standard Permit:**

Base fee for one activity: \$375  
Each additional activity: \$110

**Variance - Minor:** \$485

**Variance - Major:** \$1,190

**\*\*These activities include:**

1. Single Residential Docks and Gangways
2. Shore Stations & Watercraft Lifts
3. Rip Rap above the high water mark
4. Residential water lines (a DNRC License is required)
5. Decks, Walkways, and Stairways
6. Free-standing pilings adjacent to dock
7. Small scale tree and vegetation removal

### **OWNER/APPLICANT**

Owner: Waterside Condo Association  
Address: 33 Hunter Circle, suite 1  
City/State/Zip: Kalispell, MT 59901  
Phone: (602) 510-3688  
Email: miken@mpcdevelopment.com

Applicant: APEC Engineering, Inc.  
Address: 75 Somers Road  
City/State/Zip: Somers, MT 59932  
Phone: (406) 393-2127  
Email: tamara@apec-mt.com

*Note: If applicant is not owner, the attached authorization form must be filled out and signed.*

### **CONTRACTOR (or person responsible for doing the work, if other than above)**

Name: TBD  
City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_

Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

### **LOCATION OF THE PROJECT**

Lot: N/A Section: 07 Township: 26N Range: 20W

Street Address: 7175 US Highway 93 South, Lakeside, MT

Lake: Flathead How many feet of Lakeshore frontage do you own? 514'

ROAD DIRECTIONS TO REACH SITE: *(Please include a gate code if applicable)*

Located on US Highway 93 South in the center of Lakeside's commercial district, across from the Lakeside Post Office, east of the highway, on the lakeshore, with a stone wall and landscaping at the entry.

EXISTING STRUCTURES ON THE SITE: (Describe and give the dimensions of all structures, i.e., docks, boat ramps, boat shelters, buildings, retaining walls, etc., that exist on the lake or within 20 horizontal feet of the average high water line of the lake.)

There is an HOA marina with retaining walls and existing docks and boat slips, and concrete patios/walkways at the retaining wall. The subject dock has an existing steel cable railing/fence at the south edge.

NATURE OF PROPOSED WORK: (Describe in words what you propose to build, demolish, install, dredge, or fill. **Give dimensions, materials and list heavy equipment, if any.**)

Construction of a 6' high solid wooden fence, 125' in length, fastened to the existing structure of the 105' south HOA dock.

There is no demolition, dredging, fill, or heavy equipment used.

WILL THE USE OF THE PROPERTY BE: (Check one)

- Individual Lot Owner
- Commercial
- Other (specify)
- Joint Use (Adjoining Properties)
- Homeowners Association

DESCRIBE, IN FULL, ANY ADVERSE ENVIRONMENTAL IMPACTS THAT MAY OCCUR AS A RESULT OF THE PROPOSED ACTIVITY: (e.g., impacts on water quality or fish and wildlife habitat, increased sedimentation, discharge of toxic chemicals)

There will be no disturbance of lakewater or lakebed during construction, or discharge of any kind, so no adverse environmental impacts are anticipated.

WHAT MEASURES WILL BE TAKEN TO REDUCE OR ALLEVIATE ANY ADVERSE IMPACTS LISTED ABOVE?

No impact is anticipated, so no measures will be necessary.

PROJECT INFORMATION: (Maps and drawings must be attached. See Pages 3 and 4 for directions)

- A. Is Vicinity Plan Attached?  Yes  No
- B. Is Site Plan Attached?  Yes  No
- C. Is Project Drawing Attached?  Yes  No

SANITATION INFORMATION: Does the proposed activity involve a structure connected to a private well and/or septic system?  Yes  No

If yes, the following section is to be completed by the Flathead City/County Environmental Health Office:

Does the proposed development comply with the Flathead County Regulations for Onsite Sewage treatment systems?  Yes  No  N/A

\_\_\_\_\_  
Sanitarian

\_\_\_\_\_  
Date

\*\*\*\*\*

**AFFIDAVIT**

*I hereby certify and say that to the best of my knowledge and belief, the statements contained in this Application, together with the plan and other data submitted, are a true and complete statement of all proposed work to be done and its effect or probably effects on the lake and lakeshore.*

  
\_\_\_\_\_  
Applicant Signature

06/23/2020  
\_\_\_\_\_  
Date

Notes:

- a. The signing of this application signifies approval for Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.
- b. Work will be inspected for conformity with Permit.
- c. Permit expires one (1) year from date of issuance, unless renewed by governing body upon written request of the Applicant.

Updated 7/28/16

**LAKE AND LAKESHORE PERMIT APPLICANT/CONTRACTOR AUTHORIZATION**

Landowner: Waterside Condominium Association

Address: 33 Hunter Circle, suite 1

City/State/Zip: Kalispell, MT 59901

Phone: (602) 510-3688

Applicant: APEC Engineering, Inc.

Location of Project: 7175 US Highway 93 South

Lakeside, MT

Lake: Flathead

Contractor: TBD

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

**I authorize the release and transmittal of the required on-site Lake & Lakeshore Permit and file copy to the above-named applicant/contractor. The original shall be transmitted to the owners address as listed on the Flathead County Lake & Lakeshore Permit.**

\_\_\_\_\_  
Landowners Signature

\_\_\_\_\_  
Date



**U.S. Army Corps of Engineers, Nationwide Permit 19 - MINOR DREDGING**

Applicant: APEC Engineering, Inc,

Location of Project: 7175 US Highway 93 South

Lakeside, MT

Lake: Flathead

Contractor: TBD

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

**I hereby verify that I have read and understand the conditions of Nationwide Permit 19, and that all activities conducted in the execution of this Permit are in compliance with, or are not subject to, the specifics said permit.**

**A copy of this affidavit and the FACT SHEET - NATIONWIDE PERMIT 19 shall remain on file with the application.**

  
\_\_\_\_\_  
Applicant Signature

06/23/2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Date



**FLATHEAD COUNTY LAKE AND LAKESHORE  
APPLICATION FOR A VARIANCE**

*-must be submitted in conjunction with a lakeshore permit-*

**Lakeshore Construction Permit Application #** \_\_\_\_\_

**OWNER/APPLICANT**

Owner:	<u>Waterside Condo Association</u>	Applicant:	<u>APEC Engineering, Inc.</u>
Address:	<u>33 Hunter Circle, suite 1</u>	Address:	<u>75 Somers Road</u>
City/State/Zip:	<u>Kalispell, MT 59901</u>	City/State/Zip:	<u>Somers, MT 59932</u>
Phone:	<u>(602) 510-3688</u>	Phone:	<u>(406) 393-2127</u>
Email:	<u>miken@mpcdevelopment.com</u>	Email:	<u>tamara@apec-mt.com</u>

*Note: If applicant is not owner, the attached authorization form must be filled out and signed.*

**CONTRACTOR** (or person responsible for doing the work, if other than above)

Name:	<u>TBD</u>	Address:	_____
City/State/Zip:	_____	Phone:	_____
Email:	_____		

**LOCATION OF THE PROJECT**

Lot: N/A Section: 07 Township: 26N Range: 20W

Street Address: 7175 US Highway 93 South, Lakeside, MT

Lake: Flathead How many feet of Lakeshore frontage do you own? 514'

I/We are requesting a variance from the Flathead County Lake and Lakeshore Regulations as described in Section 5.1 of the stated regulations. Below is a summary of the project and findings as to the need and appropriateness of the variance.

**REASON FOR VARIANCE:** Please see attached pages.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION OF REGULATIONS VARIANCE REQUEST APPLIES TO:** Please see attached pages.  
\_\_\_\_\_  
\_\_\_\_\_

**FINDINGS OF APPROPRIATENESS AND NEED:**

What unusual circumstances exist such that a strict enforcement of these requirements and standards would result in an undue hardship to you?

Please see attached pages.

---

---

---

---

---

---

Are there any reasonable alternatives to this project which would allow you to conform to the above regulations? (Please list)

Please see attached pages.

---

---

---

---

---

---

*Granting of the variance shall not have adverse impacts on the lake or lakeshore in terms of the "policy Criteria for issuance of a Permit" below during either construction or utilization:*

1) **Will granting of the variance materially diminish water quality?**

Please see attached pages.

---

---

---

---

2) **Will granting of the variance materially diminish habitat for fish or wildlife?**

Please see attached pages.

---

---

---

---

3) **Will granting of the variance interfere with navigation or other lawful recreation?**

Please see attached pages.

---

---

---

---

4) **Will granting of the variance create a public nuisance?**

Please see attached pages.

---

---

---

---

5) **Will granting of the variance create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements?**

Please see attached pages.

---

---

---

---

6) **Will granting of the variance alter the characteristic of the shoreline?**

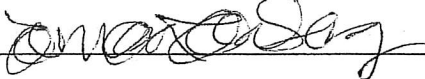
Please see attached pages.

---

---

---

---

Applicant signature: 

Date: 06/23/2020



## FLATHEAD COUNTY LAKE AND LAKESHORE APPLICATION FOR A VARIANCE

### WATERSIDE CONDO ASSOCIATION

#### ***REASON FOR VARIANCE:***

An 8' high, solid privacy fence exists at the south property boundary of Waterside Condominiums and the owners (Waterside Condo Association) are requesting a Lakeshore Construction Variance in order to continue this 8' high solid wooden fence to the OHWM, changing to a 6' high solid fence along the remaining property boundary to the east edge of the marina dock.

Volunteer Park ( Phase Three) north boundary has expanded to the Waterside south boundary line which includes the (existing, residential) 102' long dock, reconstructed as a pedestrian/swimming dock.

This reconstructed dock is adjacent and parallel to the existing Waterside Marina dock (and boat slips) and Waterside Condominium residents are proposing construction of this fence as mitigation to this expanded public park as their new neighbor.

The residents have observed that the popular South Dock of Volunteer Park is usually a "big collector" with as many as 40 people using it at one time. They believe that this new North dock, because it is 12' wide with a 25' wide platform at the end, will also become this collector of larger crowds at a location adjacent to their own dock and marina.

It is also the residents' perception that the Phase 3 of Volunteer Park has arrayed their sidewalks to become a "pedestrian collection to the northeast corner", that could have the outcome of concentrated activity on the north boundary due to such features as the 53 space parking lot, the small pavilion and the exercise equipment.

They perceive that everything draws to the north boundary, pulling park users toward this boundary adjacent to Waterside.

They are also concerned that the new pebble beach that was installed for this new park phase has increased the land lakeward far enough to allow the park users to view back into the Waterside development private property.

The Association members are essentially concerned about potential conflict and issues that may arise from living next to a public park, and the potential negative park user behavior (noise, vandalism, lighting fireworks, trespassing). They are seeking privacy and protection for the Waterside residents and their private property (boats and equipment).

This extension of the boundary fence is seen as an effective means of separation, to prevent problems before they happen.

This proposed solid fence would be approximately 125' in length: Continuing from the existing 8' high fence, constructing an 8' high fence through the 20' length of the Lakeshore Protection Zone to the beginning of the dock, and lowering to 6' high and extending the 105' length of the existing Waterside marina dock. (Please refer to maps and sketches).

***SECTION OF REGULATIONS VARIANCE REQUEST APPLIES TO:***

**4.3(k)(2)(a):** No fence shall exceed six (6) feet in height and within ten (10) feet of average high water shall not exceed four (4) feet six (6) inches.

**4.3(k)(2)(b):** All fences must maintain at least 50% open space in their design (solid fences are prohibited).

**4.3(k)(2)(d):** Fences shall not extend waterward of the mean annual high water level except that special consideration shall be taken where private property abuts public or commercially zoned or used land.

***FINDINGS OF APPROPRIATENESS AND NEED: What unusual circumstances exist such that a strict enforcement of these requirements and standards would result in an undue hardship to you?***

At the time of construction, Waterside Condominiums bordered residential properties, with two realty offices and a motel beyond. These existing uses changed as Volunteer Park was constructed in its phases, with the current Phase III of Volunteer Park expanding to the Waterside Condominium south boundary line.

On the west portion of the property line, there is an 8' high solid fence and garage structures located on the condominium side of the boundary, and on the park side of the boundary are parking and a small pavilion located adjacent to the garage structures (see site development map and aerial photo).

But, at the east portion of the property where the height of the fence is shorter, specifically at the meeting of the two parallel docks, the Waterside Condominiums residents have concerns about this new neighbor, the county-owned and maintained public park.

This is already a popular waterfront park in the summer months, and with its size increasing (more than doubling), will welcome even more people to use the park.

They are concerned that there will be an increase in noise and disruption, and that their private property will be vulnerable to and trespassed upon by disrespectful park users, a concern that they did not have to consider before with the former single residential neighbors to the south.

The Association has stated that, because of their location on the waterfront in central Lakeside, they already contend with trespassing and loitering on a regular basis with instances of the public using their docks for access, their beach for landing kayaks and fishing boats, after-hours public invasions of their hot tub (and finding a heap of empty beer cans in the morning).

It is because of this familiar contention with trespassing issues, that they are aware and concerned about the increased, similar impact from the public, and the need to clearly distinguish themselves from their new neighbor, Phase 3 of Volunteer Park.

***Are there any reasonable alternatives to this project which would allow you to conform to the above regulations? (Please list)***

The Waterside Condominium residents currently have a steel cable railing in place along the length of their south dock. They had originally discussed extending the full 8' high privacy fence to the end of their marina dock (125' in length).

They have had conversations with the current property owners, Flathead County Parks & Recreation, and Flathead Planning & Zoning during the development of Phase III, about their options for protecting their private property.

The Waterside Condominium Association has determined that the 8' high solid wooden fence should continue to high water mark to protect the lower condo units, and are also proposing a 6' high solid fence along their dock length. They propose that 6' high solid fence is the minimum device that can provide enough privacy and protection, where they don't believe a transparent cable railing or wire fence can achieve that. This has led the Association to pursue a Variance.

***Granting of the variance shall not have adverse impacts on the lake or lakeshore in terms of the "policy Criteria for issuance of a Permit" below during either construction or utilization:***

***1) Will granting of the variance materially diminish water quality?***

No, this proposed fence will have no interaction with the lake water and will not materially diminish water quality.

***2) Will granting of the variance materially diminish habitat for fish or wildlife?***

No, this proposed fence will not interfere with the lakebed, shoreline or water circulation, and will not diminish habitat for fish and wildlife.

***3) Will granting of the variance interfere with navigation or other lawful recreation?***

The entry and exit for boats for the Waterside Marina is located 191' from this common boundary line, and the Volunteer Park north dock is designated for pedestrian and swimming use (within the area marked by ropes and buoys), so recreation activities are directed inward and away from the property line common to both docks. The proposed 6' high, 105' long solid fence, will have minimal impact on navigation or other lawful recreation immediate to that area.

***4) Will granting of the variance create a public nuisance?***

The Lakeshore Construction Regulations specify the Lakeshore Protection Zone, a 20' no-build buffer landward from Ordinary High Water Mark along the shoreline as a restriction created to protect the integrity of the lakeshore.

The proposed (8' high within LPZ and 6' high along dock) solid barrier that separates the two lakeshore properties, one for public use, the other a private (65 unit) condo community, does not meet the standard of an open, continuous lakeshore for the surrounding properties. But, due to their past experiences of persons trespassing and the associated hardship, the Association believes that a stronger separation is needed to protect their privacy and property.

**5) Will granting of the variance create a visual impact discordant with natural scenic values, as determined by the governing body, where such values form the predominant landscape elements?**

As stated before, an open fence would be more agreeable with the natural scenic values, but the Association believes that a solid fence is necessary to control undesirable behavior and guarantee (visual and physical) separation of the two properties.

**6) Will granting of the variance alter the characteristic of the shoreline?**

A fence along the length of a dock is a non-compliant structure, not normally permitted. The solid nature of this proposed 125' long fence extends through the LPZ, with 105' actually over the water. But the Association believes that the presence of the public park next door warrants a greater barrier than normally permitted. As stated, there will be a larger number of persons (locals and visitors to the area) that will visit the expanded park. With this increase in park users, it can be assumed that there will be a greater impact upon the Waterside Condos residents and their private property.



# Waterside Condominium Owners Association

## 2020 Annual Meeting Ballot

I, \_\_\_\_\_, a member in good standing of the Waterside Condominium Owners Association exercise my vote by proxy on matters of the Waterside Condominium Owners Association Annual Meeting which was cancelled due to the impact of COVID-19. This meeting now will be conducted by Proxy.

### 1) Approve 2019 Annual Meeting minutes:

( ) APPROVE

( ) DISAPPROVE

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 2) Election of Board Members

(Jack Jenkins and Steve Halsey have served on the Board of Directors and are willing to serve another term.) **Candidate Bio's next page.**

#### Vote for only two:

( ) Jack Jenkins

( ) Steve Halsey

( ) Todd Murphy

( ) \_\_\_\_\_ write in

### 3) Questions for the Board of Directors: *(Questions or concerns for the Board will be answered and discussed with you. Use back of sheet for additional space)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

**Please return this proxy/ballot no later than August 28, 2020, to David Roberts,  
Western Mountains Property Management, 33 Hunter Circle, Kalispell, MT  
59901**

## **Waterside 2020 Board Candidate Bio's**

### **Jack Jenkins**

I have served on the Waterside COA Board now for several years, and was elected by the Board as Chairman last year. My wife Martha and I love this place and have been owners here since 2006 when it was built. We value the community here as well as the incredible natural setting, and although we don't live here full time we come year around. I believe that we need to have an active Board that communicates well with owners and is proactive in terms of keeping Waterside in top physical condition. As the property ages, that will be an important aspect of Board priorities, working with the Property Manager. I am also on the Board of an HOA for our home in Santa Cruz, California so have had extensive experience dealing with residential communities over time. I am retired now so have more time to devote to these areas of service. My career was principally in the mining and energy industries, with senior roles in planning, marketing and later human resources. Martha and I actually found and purchased our Waterside home while living in Calgary, which we did for 10 years and got to know many Canadian friends. I'd appreciate your vote to continue my service to the Waterside community.

### **Steve Halsey**

My wife May and I have been owners here at Waterside for 9 years. I have served on the board for the past 7 years. We are now full time residents after having retired from 45 years as a Mold Maker. Waterside is a beautiful place to live and as a member of the board I believe that I have helped to keep it that way and if re-elected I will continue to keep Waterside, our home , a great place to live. Thank you for your consideration.

### **Todd Murphy**

My wife, Charmaine and I have been coming to Waterside for the past 11 years and we are now owners; I met her at MSU and we are natives of Cut Bank and Whitehall, respectively. I've written bylaws for two MT subdivisions, and I was a board member on the large WildcatRidge.org HOA in Colorado. I fully appreciate enforcing restrictive covenants to maximize development beauty, homeowner enjoyment and home values. I'm running because I can help improve HOA responsiveness, timely and thorough communications, and fixing small maintenance items before they turn into larger capital projects - so that we can minimize increases to your HOA fees. You can find my work experience and education at [LinkedIn.com/in/murphytodd](https://www.linkedin.com/in/murphytodd) - let's connect!