

**Woodmont County Club  
Membership Meeting Minutes  
March 25, 2008**

**Board Members Present:** Brian Jacobson                      Kelli Devitte  
   Carlotta Smith                      Edie Staiger  
   Steve Swank                      Eileen Clemans  
   Adrienne Worah                      Nancy Kennedy

**Board Members Absent:** Evan Sorby                      David Babbitt

Brian Jacobson called the meeting to order at 7:10 P.M. The meeting was held at Woodmont Elementary. Brian introduced the current board.

**Roll Call:** There were 26 families represented. A quorum is 26; Brian declared that a quorum was present.

**Approval of Agenda:** The agenda was approved with two corrections. "Approval of agenda" was added and the date of the minutes to be approved was corrected.

**Approval of Minutes:** Minutes were provided to all attendees. It was moved and seconded to approve the minutes of the October 25, 2008 meeting.

Our special guest speaker, Officer K. Butterman was introduced. He spoke about crime statistics in our neighborhood. He brought some handouts including one on 12 things to improve our neighborhood. He also answered questions from the floor.

**President's Report:**

Brian began with saying that this is our club. We all need to participate. The Board makes small decisions and pays the bills. All of us need to work together. We welcome any motions from the floor.

Jan Anderson had a question of whether votes can be taken in any meeting. Brian read from the bylaws, the introduction to section 1 which clearly states that votes can be taken at any meeting.

The tennis courts are now functional. Some landscaping is all that is needed. Thanks to all that donated both time and money. Thank you to all for your other contributions as well, from picking up garbage to pruning trees. Thanks again to Nancy Kennedy for doing the newsletter the last few years.

**Treasurer's Report:**

Edie Staiger presented the treasurer's report. She focused on the Budgeted and Actual columns for the last fiscal year. There were no questions.

**OLD BUSINESS**

**Dascenzo Easement**

The survey has been completed and the results were consistent with what was expected.

The motion from the board was read.

**Motion: The Woodmont Country Club offer a minimum easement to the Dascenzos for the portion of their property that encroaches on club**

**property in exchange for \$10,000, plus expenses. Should the Dascenzos choose to decline this offer, they will be required to remove any portion of their property that is encroaching on club property to a state that respects property lines and complies with all municipal codes.**

Rationale:

There have been numerous examples over the years of the Dascenzos encroaching on club property without prior permission or approval. The Dascenzos have not always been forthcoming with information about prior surveys or complied with requests to address issues with club property. They have encroached on our property with full knowledge.

The potential for this type of activity on club property exists and will always exist with so many neighbors bordering club property. It is the position of the board that such action is strongly discouraged for all current and future property owners. While not prohibitive, this amount would discourage similar actions in the future.

**We want to make clear that our offer of \$10,000 plus expenses is not an appraisal of this relatively small portion of land.** The two primary considerations in establishing this number were:

- 1) Had the Dascenzos approached the club to request an easement prior to making their improvements, it is possible the request would have been denied.
- 2) The value of these improvements, whether real or perceived, is likely greater than the proportional value of the land affected.

Discussion was opened.

Tom Schacht: All lots are off in the Northbeach. \$10,000 sounds like a punitive amount. They took down the fence when directed. He is concerned about the drop off and recommends that the posts be retained to put up a railing.

Brian asked that we confine our conversation to the encroachment.

Wes Martin said that the amount seems punitive. He also wondered if our tax status would be in danger. Our attorney's response was read by Brian. "If none of the easements makes a substantial change to the character of the property so that it still cannot be constructed upon, the Association should be okay."

Gordon wondered if the parking assessment would be affected.

No, the new easement will be on top of the old easement.

Vic Anderson said that Sven and Marta Salve sent an e-mail. Jan read a few sentences from the e-mail but then said it was too long to read. She said that he was concerned that we were voting in the March meeting and also that he wondered about the tax implications. The community that got their tax status at the same time as we did lost it with a similar change. Jan would like a better response.

Wes said that there are other property issues regarding property lines.

Brian said that there is an easement for Northbeach already given to individual property owners.

Sue asked if the City of Des Moines had been talked to. Shouldn't they take care of these issues?

Brian said that we thought that but when approached, they said that an easement would resolve these issues.

Vic wondered what brought this issue up.

Several improvements were made on club property over time. The neighbor was asked if they were on club property. Improvements were built with full knowledge of being on club property.

Why did the City of Des Moines allow all this?

Brian answered that we don't know.

Donna Dascenzo said that the city said that if they built in the footprint, they didn't need a permit. She has an official hand written note saying that it is ok—"a legal existing nonconforming deck". She read a different rationale for a much smaller amount for the easement based on a square footage property value. She commented on the \$10,000 amount saying that there is no cost basis. She said that in the past easements had been figured using an appraisal. She referred to a handout that she had given to some members. She said that the new construction was only inches over the old footprint. Please set a value and provide a list of expenses. She doesn't want to ok open ended amount for expenses. She would like to ask for a cap.

Brian said that he was not aware that she had not been given an actual expense amount. So far there are additional expenses of \$1403.

Adrienne said that she saw three options.

1. The club can make an offer to the Dascenzos and they can keep their structure as it is.
2. The offer can be changed to Donna's suggested amount of \$2500.
3. The structure that is on club property can be removed.

Matt said that there is a fourth option: walk away.

Eric Johnson: The appraisal amount is a moot point. He thinks that the \$10,000 is not nearly enough. It should be \$20,000 to \$40,000.

Donna said that she wants the assessed basis to set a precedent.

Terry Donahue asked if all improvements have been taken down.

All have been taken down except the deck and storage area.

Do the improvements add value to the home?

Brian said that yes, now the entry is more standard and there is a considerable value to the improvement.

Matt Small asked how many times we would do this.

Brian said that it is the duty of the board to protect club property.

Vic made a motion to suspend discussion. 25 voted yes. 1 voted no. The motion passed.

The original motion was read. A paper ballot was taken. (Four members came in after the initial roll was taken bringing the total number of members present to 30 members.) 16 voted yes. 13 voted no. The motion passed.

## **NEW BUSINESS**

### **By-Laws Change**

Jan Anderson proposed that the by laws be changed regarding being able to vote in the March meeting. She said that from 1915-2005, all major business was always done in the May meeting. The March meeting was for existing business only. Jan proposed that we consider changing the bylaws to clarify voting procedures.

There was some discussion. A committee could be put together to make recommendations for a change. The bylaws have not been updated since the 1990's.

Vic said that everything should go out in writing. Both the motion and the rationale should go out in writing before the meeting. E-mail or on line communication is not used by all members. The point was made that there should be better communication up front.

### **Committee Reports:**

**Maintenance**—The April spring clean up will be on April 19, 2008.

**Social**—No report.

**Trees** – We have a tree policy. Before any trees on club property are trimmed, a form must be filled out requesting permission to trim or cut.

**Membership**—Please let a board member know of any new neighbors.

**Communication**—No report.

### **Proposed Budget**

Edie presented the proposed budget in the third column of the statement that was handed out. The Maintenance and Repair line item has been increased because there are fewer volunteers to do maintenance work and we now hire more of that out. We now rent two sanikans. There will be an additional cost in Office Expenses because this is the year we send out updated directories. We will continue to fund the Maintenance Reserve Fund.

Carol Belland offered to help put together a formal charter for our club. Our community is changing and our old way of doing business is not working as well. She said that she is happy to help but will need a budget of about \$1000 to cover expenses for such things as attorney costs and title searches.

This would increase discretionary spending to \$2000. This change will be considered.

Sandy Babbitt said that we need more money in the Maintenance budget to cover cutting the ivy off the trees.

Tom said that the asphalt needs to be resealed at the plaza area.

Responding to a question, Edie said that the Maintained Reserve will continue to have a balance. She also said that the interest income line item is low because we get no interest for checking and about \$1 a month for the saving account.

The budget will be voted on at the May meeting.

**2007-2008 Board Elections**

The position of president is open for next year.

Sandy Babbitt will be the nominating chair.

The meeting was adjourned at 9:20.

Respectfully submitted,

Eileen Clemans  
Secretary