

**Woodmont County Club  
Membership Meeting Minutes  
May 28, 2008**

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

**Board Members Absent:** David Babbitt

Brian Jacobson called the meeting to order at 7:10 P.M. The meeting was held at Woodmont Elementary. Brian encouraged everyone to pick up the handouts, budget report and the agenda.

**Roll Call:** There were 36 families represented. A quorum is 26; Brian declared that a quorum was present. The current board was introduced.

**Approval of Agenda:** A motion was made to approve the agenda with one correction. "Approval of agenda" was added. The motion was seconded and passed.

**Approval of Minutes:** Minutes were provided to all attendees. Three corrections were made. The quorum number was changed from 25 to 26. On page 3 the word appraisal was changed to assess and the word said was added. It was moved and seconded to approve the minutes of the March 25, 2008 meeting. The motion passed.

**President's Report:**

Brian thanked the prior board members for their service.

The tennis court project is now in the beautification stage. It is ready to use. Thank you for all donations. More play chips have been ordered. More plants will need to be planted. Any donations are appreciated.

A community service officer spoke last meeting. Since we are a close community continue to watch out for each other. Call 911 if you see any suspicious activity.

Looking ahead, we need to look at what it means to be the Woodmont Community Club. We will be researching our property charter. We may need title searches. We will look at the community accesses to the beach and where boundaries are.

**Treasurer's Report:**

Edie noted that two more members walked into the meeting bringing the total present to 38.

Edie Staiger presented the treasurer's report. She focused on the Budgeted and Actual columns for the last fiscal year. She noted that we now have 103 members. There were no questions.

**NEW BUSINESS**

Sven Kalve read his motion to rescind the motion passed at the March community meeting to sell an easement to the Descenzos. " I make a motion to rescind the motion passed at the March 25, 2008 General Membership Meeting authorizing the board to sell an easement to the Dascenzos for the portion of their home that encroaches on club property."

Sven: My concern is the impact of this sale on our tax status. Our initial request in the 80's for a tax status change was denied by the county. We appealed to the state and won. Our win was

based on the fact that we had no right to dispose of the property. The value of the beach was in the assessed property of the neighborhood. We do pay taxes on other property like the watershed parcel. I believe that the risk is high that we could lose our tax status. The qualification in the attorney opinion is that no construction be on it. I think that the risk is unacceptable. I want to be a good neighbor with the 100 members.

Sven requested to close the debate.

Bill Kennedy stood and read a statement from Ruth Johnson stating her concern that selling the easement to the Dascenzo's could impact our tax status.

Larry Knutsen said that an option might be to grant license to the property owners. It would probably have to be removed when a sale occurred. The license would extinguish with the sale. Silence would take care of issue momentarily. It would stop any adverse possession.

Carol Belend said that a majority easement has already been granted as an easement for parking.

What has to be moved to get the issue fixed? About 18" of construction.

Pam said that the parking easement doesn't have a building on it.

Richard asked for a summary.

Brian responded with a brief history of the issue. About 3-4 years ago, a deck and stairs were reconstructed larger and encroached on club property. The original house had a narrow entry. This new construction gave it a bigger entry. A survey had been done. Although they knew they were building on club property, they built it anyway.

Donna commented that all the beach lots had property lines that were not straight.

Brian asked if there was more discussion. There was silence. He gave Sven the floor to close the debate.

Sven: In the case of the parking easement, there was a legal precedent for granting it. In that case, the property is still available for the community to use and is quite a different situation. We don't want to give an opportunity to lose our tax exemption. We do want to be good neighbors but need to be good neighbors to all. In my mind any solution involves taking down the building on WCC property. Doing nothing is a de facto.

Michael Fuller asked if it would make a difference if we didn't accept money for it.

Sven said that any property transfer could impact the status.

Michael: Isn't it true that this family has had a history of pushing the limits of WCC property?

Wes said that it doesn't matter if we sell it or give it.

Adrienne said that in another similar situation a club lost their tax status.

Richard commented that although the attorney gave an opinion, Sven went through the experience with the county and state people that may give him the edge.

Gordon Rodland: It was a significant event to get the status changed. We couldn't have been able to afford to pay taxes at the time. It is one of the best things that ever happened to the club.

Jim: Did Sven explain what happened? WCC members were doubly taxed; members paid taxes on both property and beach property.

Steve Swank: We don't want to give the county a chance to question our tax status. The attorney's answer isn't very definitive. I don't think it's worth the risk.

Ed: We are very fortunate to have Sven to do the research and to bring this up. I am very appreciative!

There was a call for the question. It passed.

The discussion was concluded. A paper vote was taken. It was counted by Edie Staiger and Eileen Clemans. There were 36 yes votes and 2 no votes. The motion passed.

### **Committee Reports:**

**Maintenance**—Evan Sorby thanked everyone who helped in the good clean up at the beach in April. He also mentioned that the tennis court has a problem with the surface. The contractor wants to wait for a dry spell to fix the flaking section.

Brian thanked Evan for serving. He said that we receive a large dumpster at no charge every year. Fixing the flaking on the tennis court will be covered under the warranty.

**Social**—Cookies and coffee are still available in the back. Edie filled in for Nancy Kennedy announcing that the kid's parade is on again for this summer. Feel free to invite your grandchildren. We will have Mexican potluck at the plaza. There will be our annual Father's Day brunch at the plaza. There will be a garage sale on August 9 from 9 to 4 at \$10 per household. We will advertise in the PI and also put signs out in the neighborhood. Call Charlie Bingham to sign up.

**Trees**—Brian reminded everyone that we do have a tree policy. It is on line at our website and pertains to all trees on club property.

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

**Communication**—Adrienne said that we are adding a map to the directory that will show all the trails and Woodmont homes. Toni Lund is now using goggle calendar for the plaza reservations. The new directory will come out his summer. The website name will be in the directory. Kelli had no report. Thanks to Kelli for the e-mail reminders and the signs.

### **Proposed Budget**

Edie presented the proposed budget in the third column of the statement that was handed out.

Kennedy made a motion: I move that the board take steps to get estimates on what it would take to get a complete survey of Woodmont Country Club property lines. Kelli seconded the motion.

Jim commented that this would break the budget.

Vic Anderson said that surveys only need to be done when there was obvious violation like when a fence is moved. The cost would be prohibitive to do all of our property lines.

Wes said that the important question is where the lines were when the houses were originally built.

Richard commented that WCC is not a homeowner's association. We don't have covenants and restrictions. There is nothing in your title that alludes to your club.

A hand vote was taken. There were 14 yes votes and 21 no votes. The motion failed.

A motion was made to accept the budget presented for 2008/2009 as printed. It was seconded and the motion passed.

### **2008-2009 Board Elections**

Sandy Babbitt was the nominating chair. Eileen and Evan will be vacating. The entire slate of board members is up every year.

President—Michael Fuller  
Vice President—Steve Swank  
Secretary—Evelyn Meyers  
Treasurer—Edie Staiger

Other—Carlotta Smith, Adrienne Worah, Kelli Devitte, Nancy Kennedy, Brian Jacobson, and David Babbitt

A motion was made to approve the slate. It was seconded. A vote was taken and the motion passed.

### **Other Business**

Vic Anderson had three points to make:

1. Jan Anderson made poster for the Kid's Parade this summer. (The poster was presented and all agreed that it was fabulous!)
2. The gravel that was trucked in by Lakehaven has piled up against the bulkhead. The drain is not clear. The sewer people need to be notified and possibly truck the gravel away. It is 4-5 feet up in places.
3. I have lived here all my life. I love the canyon area in Lower Woodmont. It was originally donated by my parents to the county to remain as a wooded park. Des Moines wants their parks to be money makers. I want to keep our park the way it is. I am planning to serve on the Des Moines Parks committee to make sure this happens.

Sherri Wolford had two items.

1. Many teenage boys are using the basketball court. Some of them are sitting on the hoop.
2. I would be happy to get the newsletter by e-mail and save the club a stamp.

Brian said that since many people want to get the newsletter by regular mail, it is easier to just send all of them that way instead of doing some both ways.

Adrienne reported that the new three story house had furniture stolen from it. We all need to watch out for each other so this doesn't happen.

Reed: In the tennis court area, the net is sagging because it was pulled on. The gate is often left unlocked. The combination is getting out.

The intent is that the combination will be changed yearly.

Julie expressed concern that the community meetings shouldn't be advertised so publicly.

Bill Kennedy noted that the lot behind the Clark's is available for purchase.

Sven reported that the Marine Science Center grand opening is June 16.

Michael complimented the board on its work this year, particularly Brian and Eileen. He gave special thanks to Brian for his work as president and everyone agreed.

Larry backed up Vic's statement about the gravel problem at the beach. He said that the pipe is also broken about 8 feet above the beach. Des Moines is doing nothing to repair it.

Sven made the following motion: I move to instruct the board to notify the Dascenzo family to remove structures that are on Woodmont property within a specified time limit and further move that the board will consider entering into a license for the property with a specified time limit.

The motion was seconded.

Brian asked if there was a conflict in the motion. Sven clarified that the board could peruse the license if they chose to.

Larry commented that granting a license would stop adverse possession. Doing nothing could open the door for adverse possession.

Pam suggested that since it is a brand new deck, a license could be given for 10 years.

The question was asked if there is a difference between license and easement. Doesn't any use of property violate common use?

Wes said that we are getting into legal situation that we aren't sure of.

Brian said that the motion would call for the board to research the issue.

Michael commented that we don't want to pass a motion that might need to be rescinded.

Brian said that the motion just asks the board to consider a license so we should be ok.

Was a survey marker visible on the property when the deck was built? Yes.

Brian said that the motion commits the board to instruct them to remove the structure that encroaches. They may or may not choose to enter into a license.

Larry: A license is unilateral. It can be granted without being accepted by the other party. It could possible be recorded to give permission until the property is sold.

The attorney response that was in the March minutes was read.

There may be a distinction between easement and license.

Carol commented that there was a license granted in about 1972 to North Beach folks. The easement removed the license.

Charlie: How long have we been talking about this: What has the property owner done? The property owner has seemingly done nothing.

Pam: Once a year the road was closed for North Beach. If the license was enough to prevent property change, why close the road?

Evan: It seems like we are dancing around the situation. No one knows for sure. The motion says tear down the structure. The board will look to see if licensing could be an alternative. We don't want to come back next March and have the same discussion.

The discussion was closed.

The motion was read again. A paper vote was taken. Edie Staiger and Eileen Clemans counted the votes. 1 vote was invalid because it was modified. There were 22 yes votes and 6 no votes. The motion passed.

The meeting was adjourned at 9:20.

Respectfully submitted,

Eileen Clemans  
Secretary