

BIRCH BAY VILLAGE COMMUNITY CLUB, INC.  
POLICY RESOLUTION NO. 8-08-15-02

PURPOSE: To Establish a Policy for the minimum number of days a home may be rented/leased.

WHEREAS, per the Declaration of Rights, Reservations, Restrictions and Covenants of Birch Bay Village, Section 8 (a) Land Use: Each lot, tract or parcel shall be used only for single family residential purposes, unless otherwise stated on said plat or designated by Owner for other use or hereafter approved in writing by the Owner or after control of the architectural and maintenance committee has been assumed by the community club as hereinafter provided, then by the approval of said committee. No residential lot, tract or parcel shall be divided and sold or resold or ownership changed or transferred, whereby any such portion of the plat shall be less than the area shown on the face of the plat.

Per the Revised and Restated Bylaws of Birch Bay Village Community Club, dated June 2000, Item 11.1 Renting and Leasing of Residences

A Member may rent, lease, or otherwise transfer use of occupancy of any home for residential purposes only. A processing fee shall be assessed each time an Owner acquires a new tenant. Any Member renting, leasing or allowing another or others to occupy his/her residence shall be deemed to have assigned membership privileges to use the Common Areas to the tenant, and a copy of the lease/rental agreement shall be filed with the Club office. Once the owner assigns these membership privileges, such owner shall no longer be entitled to the use of the amenities or facilities. Such privileges are reinstated upon expiration of the lease/rental. Neither the lease nor the rental form shall relieve or release the Owner from his or her obligations and responsibilities incident to membership in the Club. If the Owner rents/leases to another Member, then the Owner is not deemed to have assigned his/her membership voting rights and privileges. By mere acceptance of the lease and/or occupancy of the premises, the tenant shall be deemed bound to abide by the Governing Documents of the Club. In addition to the foregoing, any member renting, leasing, or allowing another or others to occupy his/her residential unit shall be deemed to have assigned to the Birch Bay Village Community Club Board of Directors a nonexclusive right to enforce those duties and obligations of the tenant arising by the virtue of the provisions of this Section as provided herein. The Club shall be deemed a real party in interest in any suit against a tenant seeking relief for violating any of the Governing Documents.

NOW, THEREFORE, BE IT RESOLVED:

1. That a Member may not rent/lease or otherwise transfer use or occupancy of any home for a period of less than thirty (30) days.
2. Per the following: Motion made by Greg Flint, second by Bob Sullivan and approved to prohibit the sub-leasing of property in Birch Bay Village.  
(Board Minutes of 09-20-01)

DATE OF ADOPTION:

10/12/02 <sup>7<sup>th</sup></sup>

ATTEST:

  
SECRETARY

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DATE OF ADOPTION:

8/15/2

ATTEST:

  
SECRETARY

**BIRCH BAY VILLAGE COMMUNITY CLUB  
BOARD OF DIRECTORS REGULAR MEETING  
AUGUST 15, 2002 7:00 P.M.  
AT THE CLUBHOUSE**

**MINUTES**

**ROLL CALL:**

<b>Sherrie Bakke, President</b>	<b>Present</b>
<b>Mike Kent, Vice President</b>	<b>Absent</b>
<b>Ken Woods, Treasurer</b>	<b>Present</b>
<b>Larry VanderYacht, Secretary</b>	<b>Present</b>
<b>Dave Berry</b>	<b>Present</b>
<b>Bob Boyd</b>	<b>Present</b>
<b>Sandy Zeitel</b>	<b>Present</b>

Also present Meg Grable, General Manager, and Ann Nydam, Administrative Assistant.

**CALL TO ORDER:**

President Sherrie Bakke called the meeting to order at 7:03 p.m.

**LOT OWNERS PRESENTATION:**

- Louise Carlone, Div. 12M, Lot 11, says a pickup with the Birch Bay Village logo on the side, was speeding on Birch Point Drive. Says staff of BBV should be reminded to slow down.
- Tom Graham, Div. 4, Lot 55, had a question about the Birch Bay Village website, he was informed that, the website in question was not an official website of the Community Club.
- He also was curious as to who owned the gravel pile by the fuel dock. It belongs to Larry Vander Yacht.
- Gloria Hanson, Div. 14, Lot 11, thinks the Bulletin is being used by the Board of Directors for making political statements when it is suppose to be a social Bulletin. Says members should be allowed to have their comments printed also.
- Sherrie Bakke stated the Bulletin belongs to the membership, the Board has a 'narrow road' to walk down, some members have requested the President submit a message, others have requested the President does not submit a message.
- Board members agreed that past messages have been of a political nature and as long as the Bulletin is a means of providing information to the membership and the messages stay neutral, the President should continue to submit a message.
- Jack Severson, Div. 11B, Lot 35, has been bitten by mosquitoes, and is wondering why the Village lakes have to contain fresh water instead of salt water, as it costs more to maintain fresh water in the lakes.
- Harry Sharp, Div. 9, Lot 74 & 75, had questions concerning the 1999-2000 Dredging reserve fund; he also had questions concerning the accounting being set on an accrual basis. He was informed that the money was still set aside for dredging, but had been placed in the General Reserve funds. Bob Boyd said the Village was using a hybrid system of accrual and cash basis, which was in line with the By-laws.

## **PUBLIC HEARING**

**John Coffey, Div. 9, Lot 66**

On July 13-14, four (4) trees had been cut without prior permission. Mr. Coffey stated he thought he had been abiding by the AR&R's, as he had interpreted them. He has planted more trees. He asked how to go about applying for tree removal permission.

- Motion made by Ken Woods, second by Larry Vander Yacht, and carried for any further stump or tree removal on Div. 9, Lot 66 be accomplished in accordance with the AR&R's.

## **AGENDA APPROVAL:**

- Motion made by Dave Berry, second by Larry Vander Yacht, and carried to approve the agenda.

## **MINUTES:**

- Motion made by Dave Berry, second by Larry Vander Yacht, and carried to approve the Minutes of July 18, 2002.

## **COMMITTEE REPORTS:**

- ACC Committee:
- Seven (7) projects had been approved at the August 6, 2002 meeting.
- Two (2) New Home Constructions had been approved.

### **Golf Committee:**

- No report

### **Marina Committee:**

- No report

### **Covenant Re-Write Committee:**

- Two-thirds of the way done.
- Meetings have been held bi-monthly, there will be review in Sept. or Oct.

### **Building Fund Committee:**

- Fund raising for the Clubhouse expansion has been favorable, there is now \$5,517.41 in their account.

## **PRESIDENT'S REPORT:**

- Sherrie Bakke announced the next budget meeting will be held on, August 21, 2002 at 7 p.m. at the Clubhouse.

## **MANAGER'S REPORT:**

- Security will begin using new visitor passes at the gate; there will be a different color for each day of the week.
- Dredging:
  - Bids are coming in, total cost is not known yet.
  - Still need one permit from the Corps of Engineers.
- Financial statement
  - \$381,384 in the operating account
  - \$289,760 in the general reserve account
  - \$179,664 in road reserves

## **BUSINESS:**

- Variance,:
  - Div. 12D, Lot 9, 8208 Quinault Road, Steve & Sue Veltman
  - Height variance of 2'8".

- Motion made by Sandy Zeitel, second by Dave Berry, and carried to approve the Height variance of 2' 8" on Div. 12D, Lot 9.
- Bus Shelter:
  - Tom Graham did research: his suggestions were to move the old bus shelter from the lower gate to the upper gate, and put 3 cement barriers up, that the kids would stand behind while waiting for the bus.
  - Barrier West would do a next day delivery; total cost would be under \$1,000.
- Motion made by Sandy Zeitel, second by Ken Woods, and carried to accept Tom Graham's proposal. The money to come from the maintenance fund.

**'RUN' Route – Pat Barr**

- Motion made by Bob Boyd, second by Sandy Zeitel, and carried to approve granting \$30 from the operating fund to mark out a walk/run route, starting at the Clubhouse.

**ACC items:**

Garden and Retaining wall definitions, Administration fees, penalty fees, Landscaping – fences, refer to recommendation submitted by George Palmer.

- Motion made by Larry Vander Yacht, second by Ken Woods, and carried to table the ACC recommendation memo by George Palmer until the September 19, 2002 Board meeting.
- Motion made by Sandy Zeitel, second by Ken Woods, and carried to discuss the ramifications and penalties of illegal tree removal.
  - Comments from Board/Lot owners:
    - Sandy Zeitel is not in favor of monetary fees unless they are substantial.
    - Larry Vander Yacht mentioned a lawyer had looked at the tree issue a year ago and said that enforcement would be difficult.
    - Bruce Walasek, Div. 12A, Lot 7, suggested a 2 for 1 mitigation
- Motion made by Sandy Zeitel, second by Ken Woods, and carried to table this issue until the September 19, 2002 Board meeting
- Dave Berry agreed to write up a possible proposal.
- Tree Removal, Div. 12C, Lot 55
- Motion made by Sandy Zeitel, second by Ken Woods and carried to not grant permission to lot owner to remove cedar tree until he submits a detailed plan showing the size and height of each tree he plans on planting for replacement of cedar tree.

**BUDGET RESERVES**

- An Ad Hoc Committee consisting of Ken Woods, Sandy Zeitel, Bob Boyd Sherrie Bakke, and Meg Grable, is in the process of fine-tuning the Budget and creating an easier to read and understand report for the membership.
- Motion made by Sandy Zeitel, second by Larry Vander Yacht, and carried to adopt the reserve plan as stated, noting there could be unexpected changes which would require allocating funds to other items as indicated.

**ADJOURNMENT:**

- Motion made by Bob Boyd, second by Ken Woods, and carried to move into Closed Session. Meeting went into Closed Session, at 9:30 p.m.
- Motion made by Larry Vander Yacht, second by Sandy Zeitel, and carried to move into Open Session. Meeting went into Open Session at 10:05 pm
- No action was taken.
- Motion made by Sandy Zeitel, second by Ken Woods, and carried to adjourn, meeting adjourned at 10:08 pm.