

**JBMI Board Meeting
May 17, 2011 – 6:30 PM
Jantzen Beach Super Center**

Present: Jerry Pekrul, Sher Shepps, Sherre Vanegas, Chuck Hindenburg, Ginny Girotti-Sorem, Leonard Myers, Bruce Broussard, Ron Schmidt, Berni Pilip

Not Present: Margaret Puckette

Moorage Management: Pam Pariseau

Certificate Holders in Attendance: 1533, 1613, 1619, 1625, 1627, 1653, 1661, 1679, 1717, 1731, 1741, 1749, 1753, 1755, 1853, 1871, 1883, 1973, 1995, 1999, 2007, 2035, 2045

Chuck Hindenburg called meeting to order at 6:32 PM.

Board members introduced themselves. Chuck stated that he'd like to limit the meeting to one hour. He also mentioned that he'd like everyone to try to state things in a positive manner.

Open Business from the Floor

Waterway Shock

Alex Alexander 2035 said he would present information about waterway shocks. He started out talking about the "no wake" signs. The sheriff thinks that "no wake" signs indicate to novice boaters that the zone only applied to the inside of the signs, and therefore will not be promoting the signs in North Portland Harbor where the "No Wake" zone is shore to shore. Alex has the signs in the back of his boat but the water has been too high to install them.

Alex and Kathy Harrison attended a meeting in January at Rocky Point attended by moorage representatives and electricians, both land and marine. It was stated that many of the fresh water drownings in the past few years may actually have been caused by electrical shock. Situation is not well known to land based electricians. Crossing of wires or breakers not working properly can cause 110 to get into water. More testing and better understanding of the danger is needed.

Harbor master Ray Pratt will be doing some testing next month. Banning swimming is being recommended in the moorages.

Landscape Committee

Patti Fulcher 1741 said hundreds of hours have been spent on landscape so far. She passed out information sheets.

The Landscape Committee wants to investigate the possibility of hiring a professional landscape maintenance company. The landscape committee will obtain bids from landscape companies and the committee will give back remaining dollars in their budget if a professional company is contracted.

Chuck asked the board about a meeting in the next week or so. Leonard Myers asked about whether they had any idea of costs. Patti said one company has said something like \$900 a month. Patti says they would need to develop a "scope of work" for companies to bid on.

Bruce Broussard made motion for landscape committee to look into getting bids from outside maintenance companies to perform landscape per scope of work to be determined. Sher Shepps seconded.

Alex Alexander 2035 asked about a special meeting to get moorage input. He said some moorages do a special assessment but that people can work it off at so many hours a year.

Cathy Robinson 2007 said that there has been no rush to help with the landscape to date.

Before doing anything, we need a "scope of work."

Mike Frost 1731 said that they had hired a contract landscaper several years ago and we should look into it before making any determinations. Pam said that those files are in storage, but someone suggested that they might have a "scope of work."

Rick Pariseau 1999 said we should do both. We have lots of work besides landscaping.

Chuck thanked the landscape committee.

Resignation

Bruce Broussard's wife van was vandalized. He said that he was resigning. Chuck asked him to stay on through the meeting and to think about it for a few weeks. Chuck would like to speak with him and said he was important to board and the community. Bruce then left the meeting.

1639 Issue

The 1639 issue was moved from "New Business" to "From the Floor". Peg Johnson 1661 has an issue and has filed complaints about 1639, a house owned by Chuck Hindenburg. She claims Chuck lives at 1645 and 1639 is solely used for business. She showed some pictures of the house. How can that house be there? Peg wants to enforce By-Laws and to return the house to residential use. She thinks treating neighbors like this is rude. Sher Shepps asked if the Architectural Committee has been involved. A letter has gone out and a phone call has been made. Two issues are appearance and business use. The cleanup situation is being addressed. Chuck said that he had a letter from the board years ago authorizing him to have a business in that house. Sherre Vanegas said that if he did have one, there was not a copy on file in the office. He reiterated that he had one and she said that he needed to send a copy to the office which he said he would do.

Alex Alexander said the Architectural Committee used to focus on the 4 or 5 worst houses, but that had been determined to be unfair. So now they assess all the houses and treat everyone equally. Work through process--letter, phone, etc. Peg says it is a By-Law issue--No business use.

Article 12, section 3-- Houses will be used only for residential use unless approved by the board.

Chuck has put new windows, trim, etc. Chuck has built cedar surrounds and has put in new logs. Chuck is open to suggestions. It is Chuck's permanent residence. He has permission to have a business. Home offices are okay, but exclusive business use is not. There is NO WORK that takes place at the house. There is foam in the corral. Chuck has second or third copy of letters from the board giving him permission.

Cathy Robinson 2007 asked if there is a protocol when members come to board to complain.

Chuck said back storage shed is metal. It needs painting, but until the weather clears it can't be done. He has new curtains and has had trim painted. He has a log tied up. Peg doesn't like to see foam stacked on his work boat. Chuck says it has been stacked there for 15-20 years.

Ron Schmidt thinks there are two issues, one being an appearance issue and the other a "conduct of business" issue. We have issues with conducting business. Presence of a vehicle, craft, inventory, is not a business. Appearance is in the eyes of the beholder. The history of floating homes starts with hobos, and has evolved over the years. Floating homes are now becoming gentrified. He believes if someone is attempting to make his home look better, then he is to be applauded.

Ed Vanegas 1613 said every house on B row has logs between them.

Mike Frost 1731 said that there were concerns about home businesses. One of them is with strangers in the moorage and the other is appearance.

Darrell Mecklem 1619 suggested that we move on. Sherre Vanegas said that the last board established a "business" policy within the past six months. Sher Shepps said you can't have a house that is JUST a business. Sher asked Chuck if he lived there. His answer was "it's my primary residence". She said "But do you live there?" and he said "It's my primary residence."

Secretary's Report

Pam said that 1635 (Sterling Bank) was **not** paying fees yet. Sherre said several names had been incorrectly spelled in the draft of the minutes. Alluding to possible moorage manager candidate's age should be deleted. In the aging report, the Columbia Crossings amount included the gate expenses, taxes, and the road.

Sher Shepps moved that minutes be approved as amended. Sherre seconded. Minutes approved unanimously.

Treasurer's Report

Leonard asked about hose purchases. Pam explained that there had been some bad hoses, and some were stolen. One of the hoses at the top of Ramp 2 had been stolen within two weeks. Ron asked about Deppa Engineering costs for the Garbage Surrounds. Pam will email Ron the information about the Deppa expenses.

Darrell Mecklem 1619 asked if we were solvent and Pam said we had money in the bank.

Not finished yet with walkway quite yet.

In 2005, JBMI refinanced the loan for those purchasing their slips, and certificate holders are paying JBMI each month.

On Aging Summary, 1665 is in arrears again. It's time to send out another demand letter again.

Manager's Report

There are three new residents, all renters.

1631 Collections: JBMI received only one check in April for \$150.

Ron says we have eliminated car break-ins but we have vandalism that looks like it's politically motivated

1623. Tenant did not pass the tenant screening. The attorney has given the member seven days to evict the tenant from the premises.

Dock carts seem to be disappearing. There are 13 new carts, and the total should be about 25

Pam reminded people not to bring grocery carts down the ramps, and to tell contractors to return the carts to where they belong. Please return all Home Depot carts. Paying our moorage workers to take back carts is costing us all money.

Deck screws. Phillips Fasteners will only pay 1/3 of labor costs to replace bad deck screws. \$20 per hour only. Need to talk to Rick Christiansen about his crew costs. In G-M walks, all screws are failing.

Rick Pariseau is volunteering to dive for fire lines that have been caught under the flotation. Chuck has also done a day of diving.

A-Row. PGE wants more breakers which will result in higher costs.

Jerry Pekrul is contacting utility companies to locate power and water lines for the garbage surround projects.

1815. The person who was interested in purchasing the slip has been notified, but has not responded.

Last year we did crack fills on parking lot. Two bids for striping the parking lot have been received. Pavement Maintenance, which recently restriped Safeway and did an excellent job, has bid \$1965 which includes sweeping. The Arrow Striping bid but did not provide references and the bid does not include sweeping. These bids do not include Jantzen Avenue. Mike Frost 1731 asked whether our maintenance guys could do it.

Ron Schmidt moved that we go ahead to approve the \$1965 bid subject to any pavement repairs necessary being completed prior to the striping. Leonard Myers seconded. Motion passed unanimously. (Shepps, Perkul, Myers, Schmidt, Vanegas)

Geese with all their goslings have ruined grass at the top of Ramp 7. It has been reseeded.

Ramp 7 broke. Aluminum weld broke off. Bid was \$1550 to repair. Don bolted it and repaired for less than \$400, and is stronger than the weld would have been.

Last Friday someone hit the east gate and bent it. The cost for an external repair would have been \$1800, but the crew was able to do it for less than \$300.

There are ongoing landscape projects.

Unfinished Business

Special Assessments

Chuck asked board to vote to accept the "List of Special Assessments." Sher Shepps was concerned about the vagueness of some of the assessments. Chuck made commitment to the community that the special standard assessments would be reinstated. Sher said that previous assessment schedule was concise, but Chuck provided an example of which could be construed as "annoying behavior". Chuck pulled the "harassment" and "annoying behavior" out of the schedule until the board has time to discuss it, and until we can clarify wording with the attorney.

Chuck wanted membership to know that he has spent time getting a revision of the assessment schedule ready to discuss at meeting. Sher said the entire board should have been involved.

Rick Pariseau 1999 suggested reinstating tonight the rules that have been in effect since 1998 and having the board work on changes in the next month.

Jan Wirtz 1871 asked for clarification on why rules were being changed. Chuck, Sherre, and Schmidt came on board in February. A BOLI complaint was filed against JBMI and several employees have quit.

On February 21 (election was February 22) documents were signed assessing fines on one member. In a Special Assessment meeting on March 24, the board voted to place "hold" on assessments. (see March 24 Special Assessment minutes for details). Letters were signed stating that certain members were going to be reprimanded.

Chuck is supposed to do what is best for moorage, and is putting a hold on this until we have "due process." State of Oregon has laws. If we break those laws, we are putting the moorage at risk. There are two rules that we need take to the lawyers.

Jerry Pekrul said that Chuck has confused him by combining the BOLI issue with the assessments. Sher Shepps moved to reinstate the original assessments minus the two "harassment" and "annoying behavior" rules. Kathy Harrison streamlined the 15 pages and combined them to 2-3 pages which includes the revisions approved over the years.

Sher moved to reinstate the special assessment schedule policy that is in place and in the board members' notebooks. Jerry Pekrul seconded. Ron Schmidt moved to amend the motion that "due process" be instituted in all rules and regulations at JBMI; that all parties be given due process even in past fines and assessments, and that until the board has reviewed the subjective rules of harassment and obnoxious or offensive activities, then these two rules be suspended until the board has the opportunity to debate and resolve these assessments and fines.

Leonard Myers seconded.

Alex Alexander asked whether this meant that members would bring their attorney to the Architectural Committee meetings if the Architectural Committee found problems.

Sherre Vanegas understands what Ron stated, but she has a problem in that the vote being taken is being voted on by the Board member affected by the vote, and that's not right. The way the amendment was written directly pertains to the two assessments that were suspended against a specific board member.

Jerry Pekrul said it was time to read the "conflict of interest" statement. Chuck read from a public document that according to "conflict of interest" only Ron and Sherre would be eligible to vote since they were not on the board when allegations were filed in January. Discussion followed.

Ron Schmidt intervened saying that there was a "Point of Order" by Sherre challenging the vote. Chuck's point is that the entire respondent board had an interest. Chuck would rather come back and say, "Leonard, it is going to cost you..." than to move forward with something that could potentially harm us.

Sher Shepps, although she doesn't agree, will change her motion to exclude the two miscellaneous rules (1. *Harassment of Association Board of Directors, Members, and Employees*, 2. *Obnoxious or offensive activities which are an annoyance or a nuisance to your neighbors ...*) that are source of concern with a two to three week deadline for resolution of these other two rules. Jerry seconded. Ron rescinded his motion to amend.

Motion passes unanimously. (Shepps, Pekrul, Vanegas, Myers, Schmidt).

Sher asked to be on committee that will be looking into the rules. Jerry would also like to be on the committee for assessments. Chuck will contact lawyer. The whole board will be involved.

Pekrul would like a copy of the BOII complaint stating that he is personally mentioned. Chuck said that he wasn't personally mentioned, but only as a member of the board.

New Business

Moorage Manager Position.

Ron was asked to be the board member to start the process. Cheryl Grant 1625 and Mike Virgin 1753 have been on HR committee for years.

They reposted the Craig list ad on the 13th and fine tuned it. It was in the *Sunday Oregonian* last week plus a couple weeks in *Oregon Live*. In discussion of where to find a person, property management companies were contacted to see if they knew anyone who may be interested in the position. Schmidt also asked attorneys to announce the position at the workshop last weekend.

Currently they have 65 resumes, 17 are potential candidates with listed qualifications that were posted. The committee is asking for recommendations. Cheryl asked whether the board wanted to consider certificate holders or past moorage managers. How many candidates does the board want them to present? They want to know if there is criteria to decline the resume and let the applicants know now. Chuck said they will accept all applications.

Someone pointed out that where you live and where you work are protections. Ron asked what the protected classes were. They will send Ron the protection classes.

Jerry Pekrul doesn't want to consider any managers previously employed by JBMI. Ron Schmidt m'oved not to consider anyone who has worked as past moorage managers at JBMI. Jerry seconded. Five approved (Shepps, Pekrul, Schmidt, Vanegas, Myers). Unanimously passes.

Sher moved to adjourn. No second. Resume.

Attorney Letters to Columbia Crossings.

Ron moved for attorney to send letters, Leonard seconded. Motion passed. Ron asked for clarification about Columbia Crossings communications. Sherre clarified.

Security

Get security gates fixed. The \$9,000 and \$18,000 bids on Gate 2 are still only "patches" on a very old system. Maybe look at a new system? Ron suggested a bare fix, medium, and full fix bids.

Meeting adjourned at 9:40 PM.

Respectfully Submitted,



Berni Pilip
Secretary